

Washington, Tuesday, October 27, 1953

### TITLE 7-AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN THE CHICAGO, ILLINOIS,
MARKETING AREA

CLASS PRICES; ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order" it is hereby found and determined that subparagraphs (a) (3) and (b) (3) of § 941.52 of the order do not tend to effectuate the declared policy of the act with respect to milk subject to the provisions of the order for the period beginning with November 1 and through November 30, 1953.

November 30, 1953. It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will immediately relieve certain restrictions imposed upon certain milk by the order. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That subparagraphs (a) (3) and (b) (3) of § 941.52 of the order are hereby suspended for

the period beginning with November 1 and through November 30, 1953.

Done at Washington, D. C., this 22d day of October 1953, to be effective November 1, 1953.

[SEAL] JOHN H. DAVIS, Assistant Secretary of Agriculture.

[F. R. Doc. 53-9038; Filed, Oct. 26, 1953; 8:53 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

ORDER AMENDING ORDER, AS AMERIDED, REGULATING HANDLING

§ 953.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the Issuance of this order and each of the previously issued amendments thereto; and all of said previous. findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Los Angeles, California, on May 1, 1953, upon a proposed amendment to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(Continued on p. 6769)

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(1) The said order as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held:

(3) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons

covered thereby and

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act.

(b) Determinations. It is hereby determined that:

(I) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1951, through October 31, 1952, shipped not less than 80 percent of the volume of lemons covered by said order, as amended, and hereby further amended; and

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-fourths of the producers who, during the determined representative period (November 1, 1951, through October 31, 1952) were engaged within the production area specified in said order, as amended, in the production of lemons for market,

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by pro-

ducers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

Delete paragraph (b) of § 953.64 Districts and substitute therefor the following:

(b) "District 2" shall include that part of the State of California which is south of a line drawn due east and west through the Tehachapi Mountains, but shall exclude Imperial County. California, that part of Riverside County, California, situated south and east of San Gorgonio Pass, that part of Riverside County, California, situated north of San Gorgonio Pass but east of the 115th Meridian, and that part of San Bernardino County, California, situated east of the 115th Meridian.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Issued at Washington, D. C., this 22d day of October 1953, to become effective on November 26, 1953.

[SEAL] JOHN H. DAVIS, Assistant Secretary of Agriculture.

[F. R. Doc. 53-9086; Filed, Oct. 26, 1953; 8:53 a. m.]

# TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Adjustment of Immigration Status Under Refugee Relief Act of 1953

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

1. Section 9.2 is amended by adding a new paragraph (jj) which, when taken with the introductory material, will read as follows:

§ 9.2 Authority of Assistant Commissioner, Inspections and Examinations Division. The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Inspections and Examinations Division:

(jj) Adjustment of immigration status as provided in section 6 of the Refugee Relief Act of 1953 and Part 481 of this chapter.

(Sec. 103, 65 Stat. 173; 8 U. S. C. 1103)

#### PART 450-FORMS

The list of forms in § 450.1 Prescribed forms is amended by adding thereto the following:

I-233 Application to Adjust Immigration Status under Section 6 of the Refugee Relief Act of 1953.

(Sec. 103, 66 Stat. 173; & U. S. C. 1103)

PART 481—ADJUSTMENT OF STATUS OF NOMINIMICRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953

Part 481 is added as follows:

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
481.1 Submission of application.
481.2 Admissibility into United States.

Suppart e—procedural and other nonsupstantive provisions

481.11 Who may apply. 481.12 Application.

481.13 Medical examination.

481.14 Attorneys.

481.15 Examination and investigation.

481.16 Disposition of case.

AUTHORITY: \$\$ 481.1 to 481.16 issued under rec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply rec. 101, 234, 247, 66 Stat. 166, 193, 218, rec. 6, 67 Stat. 463; 8 U. S. C. 1101, 1224, 1257, 204.

#### SUBPART A-SUBSTANTIVE PROVISIONS

§ 481.1 Submission of application. An application for adjustment of status under section 6 of the Refugee Relief Act of 1953 (67 Stat. 400, Pub. Law 203, 83d Cong.) shall be submitted in accordance with the provisions of this chapter and the Refugee Relief Act of 1953.

§ 481.2 Admissibility into United States. The determination of whether an alien is qualified under the Immigration and Nationality Act (66 Stat. 163; 8 U. S. C. 1101) except with respect to quota shall be predicated upon his admissibility into the United States under the Immigration and Nationality Act and this chapter, but he shall not be required to submit a passport or visa.

## SUBPART—PROCEDURAL AND OTHER HONSUESTANTIVE PROVISIONS

§ 481.11 Who may apply. Any alien (including one admitted as a student under section 4 (e) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant and who believes that he meets the eligibility requirements set forth in section 6 of the Refugee Relief Act of 1953 may apply for adjustment of status: Provided, That an alien who (a) has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act. or (b) has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter.

§ 481.12 Application. An application for adjustment of status under this part shall be made on Form I-233 in accordance with the instructions appearing on that form. Upon the receipt of an application on Form I-233, the district director or officer in charge having administrative jurisdiction over the office receiving the application shall require the applicant to furnish the documentary evidence described on Form I-233. In addition, the applicant shall be requested to submit affidavits of three witnesses, preferably citizens of the United States, and if the applicant is employed, one from his employer, attesting to the applicant's good moral character. If a Form I-94C, I-95A, or 257a is not presented by the applicant, the district director or officer in charge shall obtain varification of the applicant's last entry into the United States and of any other entries whenever such verifications are material to the disposition of the application.

§ 481.13 Medical examination. The applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2) (3) (4) or (5) of section 212 (a) of the Immigration and Nationality Act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act and § 235.13 (c) of this chapter.

§ 481.14 Attorneys. Attorneys or other persons authorized to practice before the Service who represent applicants shall be permitted to be present during the examination of the applicant and the witnesses, to submit briefs, and to review the record either before it is forwarded to the Assistant Commissioner, Inspections and Examinations Division, or thereafter, and prior to final decision.

§ 481.15 Examination and investigation. The applicant shall be given timely notice by the district director or officer in charge of the date and place of the examination, and the case shall be assigned to an immigration officer for the purpose of conducting such examination. The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with his parent or guardian. Any necessary changes in the application shall be consecutively numbered on the application form by such officer and acknowledged in writing by the applicant. or, in the case of a child, by his parent or guardian. The applicant shall at that time produce the available original documents; copies of which were submitted, or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the ımmıgration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer re-

quired, the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I-233 and obtain the applicant's signature in the appropriate place on that form. In cases in which the immigration officer deems it necessary, he shall conduct a further examination of the applicant, or his parent or guardian, by interrogation under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, establish the applicant's eligibility for adjustment of status, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the immigration officer concerning the applicant's eligibility for adjustment of status. If such witnesses cannot appears because of remoteness. physical disability or other cause which the immigration officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant. the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a resume thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the immigration officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the immigration officer recommends denial of the application. If deemed necessary by the immigration officer, further investigation may be conducted.

§ 481.16 Disposition of case—(a) Record and recommendation. Upon completion of the examination, the immigration officer shall prepare a memorandum of his findings as to each of the essential facts prescribed by section 6 of the Refugee Relief Act of 1953 and § 481.11, together with his recommendation. If the immigration officer is satisfied that the application should be granted, he shall so recommend and include in his memorandum a statement as to the grounds and reasons for his recommendation. If the immigration officer is not satisfied that the application should be granted, he shall recommend denial of the application and include in his memorandum a statement as to the grounds and reasons for his recommendation. The application, record, supporting documents, photographs. and memorandum of the immigration officer shall then be transmitted to the Assistant Commissioner, Inspections and Examinations Division, who shall approve or disapprove the recommendation of the immigration officer. Upon notification to the applicant or his attorney or representative that adjustment has been approved by concurrent resolution of Congress, the applicant shall be required to pay a visa fee of \$25.

(b) Application denied, further action. If the immigration officer recom-

mends denial of the application, a copy of his memorandum shall be furnished to the applicant or his attorney or representative pursuant to §§ 292.11 and 292.12 of this chapter. The district director or officer in charge shall allow the applicant or his attorney or representative a reasonable time (not to exceed 10 days, except on a showing of good cause that more time is necessary) in which to file exceptions thereto and to submit a brief, if desired. If the Assistant Commissioner, Inspections and Examinations Division, approves the recommendation of the immigration officer, a decision to that effect will be prepared and a copy of the Assistant Commissioner's decision shall be served upon the applicant or his attorney or representative pursuant to § 292.12 of this chapter, and such further action shall be authorized to be taken as is necessary under existing law and regulations to effect the applicant's departure from the United States. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

Note: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall be considered effective as of August 7, 1953. The regulations prescribed by the order are necessary for carrying out the provisions of section 6 of Public Law 203, 83d Congress (67 Stat. 403) which became effective on August 7, 1953. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and impede the administration of section 6 of Public Law 203.

Dated: October 16, 1953.

Recommended: September 22, 1953.

HERBERT BROWNELL, Jr.,
Attorney General.

Argyle R. Mackey, Commissioner of Immigration and Naturalization.

[F. R. Doc. 53-9077; Filed, Oct. 26, 1953; 8:51 a. m.]

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

IMMIGRANT PASSPORT WAIVERS

Section 211.4 of Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

§ 211.4 Immigrants not required to present passports. Aliens of the following-described classes (including alien crewmen) who apply for admission to the United States as immigrants, and who are otherwise admissible, are not required to present passports:

(a) An alien who has been lawfully admitted for permanent residence and who is returning after a temporary absence and who presents a valid unex-

pired nonquota immigrant visa issued pursuant to the provisions of section 101 (a) (27) (B) of the Immigration and Nationality Act.

(b) An immigrant who is a stateless person.

(c) An immigrant who is the spouse or child of a United States citizen or an alien lawfully admitted to the United States for permanent residence: Provided, That such immigrant is the beneficiary of a petition approved under the provisions of section 205 (b) of the Immigration and Nationality Act.

(d) An immigrant who is a national of, and is applying for an immigrant visa outside of, a Communist-controlled country, and who, because of his opposition to Communism, is unwilling to make application for a passport to, or unable to obtain a passport from, the government of such country.

(e) An immigrant who is a member of the armed forces of the United States.

(f) Any alien in whose particular case a waiver of the passport requirements is granted by (1) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (2) the district director or the officer in charge having administrative jurisdiction over the port at which the alien applied for admission, at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, or (3) the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that-presentation of a passport is impracticable because of emergent circumstances over which the alien has no control and that undue hardship would result to such alien if such presentation is required: Provided. That during the time any case is pending before the Board a waiver under this subparagraph may be granted only by the Board.

(Sec. 103, 66 Stat. 173; 8 U.S. C. 1103)

Note: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

This order shall become effective on the date of its publication in the Federal. REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective dateis unnecessary in this instance because the rules prescribed by the order relieverestrictions and are clearly advantageous to persons affected thereby.

Dated: October 20, 1953.

HERBERT BROWNELL, JR., Attorney General.

Recommended: October 8, 1953.

ARGYLE R. MACKEY, Commissioner of Immigration and Naturalization.

[F. R. Doc. 53-9120; Filed, Oct. 26, 1953; 8:54 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 5655]

PART 3-DIGEST OF CEASE AND DESIST ORDERS

DICTOGRAPH PRODUCTS, INC.

Subpart—Coercing and intimidating: § 3.350 Customers or prospective customers: To Enter Into or Observe Exclusive and Tying Dealing Agreements: By cancelling franchise agreements and threats of; by enforcing burdensome ancillary provisions; by litigation or threats of; by punitive action against recalcitrants. Subpart—Cutting off competitors or others access to customers or market: § 3.560 Interfering generally with distributive outlets. part-Cutting off competitors' or others' supplies or service: § 3.645 Suppressing competition in second-hand products; § 3.655 Threatening disciplinary action or otherwise. Subpart-Dealing on exclusive and tying basis: § 3.670 Dealing on exclusive and tying basis. I. In connection with the offering for sale, sale or distribution of hearing aids and parts and accessories therefor and other simi-Iar or related products in commerce, as "commerce" is defined in the Clayton Act: (1) Selling or making any contract or agreement or understanding that the purchaser thereof shall not use, or deal in, or sell hearing aids or parts and accessories therefor or other similar or related products supplied by any competitor or competitors of respondent; and (2) enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing contract of sale, which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in hearing aids or parts and accessories therefor or other similar or related products supplied by any competitor or competitors of respondent; and, II, in connection with the offering for sale, sale and distribution of hearing aids and parts and accessories therefor and other similar products in com-merce, as "commerce" is defined in the Federal Trade Commission Act, (1) selling or making any contract for the sale of any such products on the condition. agreement or understanding that the purchaser thereof shall not use, or deal in, or sell the goods, wares or merchandise of a competitor or competitors of respondent; (2) enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing sales contract, which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the goods, wares or merchandise of a competitor or competitors of respondent: (3) cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with respondent's distributors or with any other customers, for the sale of said products, because of the failure of such purchasers to purchase or deal exclusively in the products sold and distributed by respondent; (4) instituting litigation, or directly or by implication threatening the institution of any litigation against any of respondent's distributors or other customers because of the failure or refusal of such purchasers to purchase or deal exclusively in the products sold and distributed by respondent; (5) enjoining or attempting to enjoin any of respondent's distributors or customers from engaging in the hearing aid business for the period of one year or any other pericd pursuant to any injunctive provision contained in respondent's distributor contracts or otherwise; or obstructing or attempting to obstruct by way of litigation or otherwice any of respondent's distributors from procuring their mail; or obstructing or attempting to obstruct by way of litigation or otherwise any of respondent's distributors from the continued use of their telephone listing, where any of such actions are taken by respondent for the purpose either of coercing or intimidating such distributors into dealing in respondent's products exclusively to the exclusion of products of competitors or for the purpose of retaliating against such distributors for their failure or refusal to purchase or deal exclusively in the products sold and distributed by respondent; and (6) the performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of the respondent either at the time when a distributor agrees to purchase any products from respondent or during the course of any calls made upon distributors or customers at their places of business or at any other place, or the use of any other plan, practice, system or method of doing business for the purpose or having the effect of intimidating or coercing the respondent's distributors or other customers to purchase the products or merchandise m which they deal, exclusively from the respondent; prohibited.

(Sec. 6. 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sees. 5, 3, 38 Stat. 719, 731; 15 U.S. C. 45, 14) [Cease and desist order, Dictograph Producto, Inc., Jamaica, L. I., N. Y., Docket 5655, Sept. 24, 1953.]

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusion presented by counsel, and said examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts' and conclusions drawn

Filed as part of the original document.

therefrom and order to cease and desist.

Thereafter, following respondent's appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Appeal from Initial Decision of Hearing Examiner; Decision of the Commission and Order to File Report of Compliance" dated September 24, 1953, as follows:

This matter having come on to be heard by the Commission upon respondent's appeal from the initial decision of the hearing examiner, briefs in support of and in opposition to said appeal and oral argument of counsel; and

The Commission, upon consideration of the record herein, having decided, for the reasons stated in the written opinion of the Commission which is being issued simultaneously herewith, that the findings as to the facts contained in the initial decision are supported by reliable, substantial, and probative evidence of record; that the conclusions contained therein are correct; and that the order to cease and desist therein provides proper relief from the respondent's illegal practices; and

The Commission, therefore, being of the opinion that respondent's appeal from and exceptions to the hearing examiner's initial decision are of no merit and that said initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the appeal of respondent from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 24th day of September 1953 become the decision of the Commission.

It is further ordered, That respondent Dictograph Products, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision, a copy of which is set forth below.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Dictograph Products, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids and parts and accessories therefor and other similar or related products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser there-of shall not use, or deal in, or sell hearing aids or parts and accessories therefor or other similar or related products supplied by any competitor or competitors of respondent:

2. Enforcing or continuing in operation or effect any condition, agreement

or understanding in, or in connection with, any existing contract of sale, which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in hearing aids or parts and accessories therefor or other similar or related products supplied by any competitor or competitors of respondent.

It is further ordered, That the respondent Dictograph Products, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hearing aids and parts and accessories therefor and other similar products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly—

1. Selling or making any contract for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use, or deal in, or sell the goods, wares or merchandise of a competitor or competitors of respondent;

2. Enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing sales contract, which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the goods, wares or merchandise of a competitor or competitors of respondent;

3. Cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with respondent's distributors or with any other customers, for the sale of said products, because of the failure of such purchasers to purchase or deal exclusively in the products sold and distributed by respondent.

4. Instituting litigation, or directly or by implication threatening the institution of any litigation against any of respondent's distributors or other customers because of the failure or refusal of such purchasers to purchase or deal exclusively in the products sold and distributed by respondent.

5. Enjoining or attempting to enjoin any of respondent's distributors or customers from engaging in the hearing aid business for the period of one year or any other period pursuant to any injunctive provision contained in respondent's distributor contracts or otherwise; or obstructing or attempting to obstruct by way of litigation or otherwise any of respondent's distributors from procuring their mail; or obstructing or attempting to obstruct by way of litigation or otherwise any of respondent's distributors from the continued use of their telephone listing, where any of such actions are taken by respondent for the purpose either of coercing or intimidating such distributors into dealing in respondent's products exclusively to the exclusion of products of competitors or for the purpose of retaliating against such distributors for their failure or refusal to purchase or deal exclusively in the products sold and distributed by respondent.

6. The performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of the respondent either at the time when a distributor agrees to purchase any products from respondent or during the course of any calls made upon distributors or customers at their places of business or at any other place, or the use of any other plan, practice, system or method of doing business for the purpose or having the effect of intimidating or coercing the respondent's distributors or other customers to purchase the products or merchandise in which they deal, exclusively from the respondent.

Issued: September 24, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., Secretary.

[F. R. Doc. 53-9053; Filed, Oct. 26, 1953; 8:47 a. m.]

### TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CON-TAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

#### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F R. 5591) are amended as indicated below.

1. Section 141.9 (a) (2) is amended to read:

§ 141.9 Penicillin tablets—(a) Potency. \* \* \*

(2) Tablets that contain dibenzylethylenediamine dipencillin G. Proceed as directed in § 141.1, except paragraph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample as follows: Grind 6 tablets, using a mortar and pestle, and wash into a 200milliliter volumetric flask with sufficient dimethyl formamide to give a concentration of 15.000 units per milliliter. Allow to stand for 1/2 hour, with frequent shaking, then add sufficient 1-percent phosphate buffer, pH 6.0, to bring the solution to 200 milliliters. Make the proper estimated dilutions in additional 1-percent phosphate buffer at pH 6.0.

2. In § 141.46 Procaine penicillin in streptomycin sulfate solution \* \* \* subparagraph (1) of paragraph (a) Potency is amended by inserting between the first and second sentences the following new sentence: "If the iodometric assay is used, 1 drop of the 1.2 N HC1 is added

<sup>&</sup>lt;sup>1</sup>Filed as part of the original document.

to the blank immediately before the addition of the 0.01 N Iz."

3. Section 141.51 (b) is amended to

§ 141.51 Diethylaminoethyl ester penncillin G hydrodide. \* \* \*

(b) Sterility. Proceed as directed in § 141.2, except in the test for bacteria add for each 100 milliliters of media used 0.5 milliliter of polysorbate 80 and a sufficient quantity of 2 N NaOH to produce a solution having a pH of approximately 7.9 after sterilization.

4. In § 141.52 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection paragraph (b) Sterility is amended by changing the reference to 18 141 2" in read. 18 141 51"

"§ 141.2" to read. "§ 141.51"
5. In § 141.410 Bacitracin-neomycin tablets, subparagraph (1) (vii) of paragraph (b) Neomycin used in making the tablets the first sentence is amended by changing the words "sterile distilled water" to read: "0.1 II potassium phosphate buffer, pH 7.8 to 8.0,"

6. Part 141 is amended by adding the following new section:

§ 141.417 Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary—(a) Potency—(1) Bacitracin content. Proceed as directed in § 141.401 (a), except in lieu of the directions for preparing the sample in § 141.401 (a) (1) (ii), prepare the sample as follows: Place an accurately weighed sample of approximately 5 grams in a blending jar, add 94 milliliters of an aqueous solution of 2.0-percent sodium bicarbonate and 1.0 milliliter of a 10percent aqueous solution of polysorbate 80, and blend for 3 minutes in a highspeed blender. Allow the foam to subside, remove an aliquot and add sufficient semicarbazide 0.5-percent solution (pH 6.5-7.0) to mactivate (1 hour at room temperature) the streptomycin contained in the solution. After mactivation, remove an aliquot of this solution. and dilute to 1 unit per milliliter with 1.0-percent phosphate buffer. Its potency is satisfactory if it contains not less than 85 percent of the units of bacitracin activity that it is represented

(2) Streptomycm content. Proceed as directed in § 141.101. Its content of streptomycm is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycm activity per gram that it is represented to contain.

(b) Moisture. Using a 1.0-gram sample, proceed as directed in § 141.5 (a) (Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

7. In § 146.1 Definitions and interpretations the second sentence of paragraph (f) is changed to read: "The term 'penicillin O master standard' means a specific lot of crystalline potassium penicillin O which is designated by the Commissioner as the standard of comparison in determining the penicillin O content of the penicillin O working standard."

8. In § 146.45 Procaine pencillin in oil subparagraph (1) (iii) of paragraph (c) Labeling is amended by inserting the

words "or 60" between the figure "43" and the word "months"

9. Section 146.416 (c) (1) (iv) is amended to read:

§ 146.416 Bacitracın methylene disalicylate.

(c) Labeling. \* \* \* (1) \* \* \*

(iv) The statement "For veterinary use only."

10. Part 146 is amended by adding the following new section:

§ 146.417 Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary—(a) Standards of identity, strength, quality, and purity. Powder bacitracin methylene disalicylate and streptomycin sulfate oral vetermary is a mixture of bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, with or without one or more suitable and harmless adsorbent ingredients, diluents, colorings, and flavorings. Each gram contains not less than 200 units of bacitracin activity and not less than 20 milligrams of streptomyon activity. Its moisture content is not more than 7.5 percent. The bacitracin methylene disalicylate used conforms to the requirements prescribed by § 146.416 (a) The streptomycin sulfate oral veterinary used conforms to the standards prescribed by § 146.114 (a). Each other ingredient used, if its name is recognized in the U.S.P. or N.P. conforms to the standards prescribed therefor by such official compendium.

(b) Packaging. In all cases the immediate containers shall be tight containers as defined by the U.S. P. and shall be of such composition that they will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) Labeling. Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin activity and the number of milligrams of streptomycin activity per gram and the total number of grams in the immediate container.

(iii) The statement "Expiration date ——" the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(iv) The statement "For oral veterinary use only."

(v) If it contains adsorbent ingredients, the name of each.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) Request for certification; samples. (1) In addition to complying with the requirements of § 146.2, a person wao requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the bacitracin methylene disalicylate and streptomycin sulfate oral veterinary used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; units of bacitraem activity per gram, milligram of streptomycin activity per gram, and moisture.

(ii) The bacitracin methylene disalicylate and the streptomycin sulfate oral veterinary used in making the batch; potency, toxicity, moisture, and pH.

(3) Exceptions otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 immediate containers in the batch, but in no case less than 6 30-gram portions or more than 12 30-gram portions. Such samples shall be collected by taking single immediate containers or 30-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the mtervals are approximately equal.

(ii) The bacitracin methylene disalicylate used in making the batch: 5 packages containing approximately equal portions of not less than 5 grams each, packaged in accordance with the requirements of § 146.416 (b).

(iii) The streptomycm sulfate oral veterinary used in making the katch; 5 packages containing approximately equal portions of not less than 1.0 gram each, packaged in accordance with the requirements of § 146.114 (b).

(iv) In case of an initial request for certification, the other ingredients used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) Fees. The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii) (iii) and (iv) of this section.

(2) If the Commissioner considers

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with the requirements of § 146.8 (d)

(Sec. 701, 52 Stat. 1055; 21 U.S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the Federal Register, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: October 21, 1953.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 53-9084; Filed, Oct. 26, 1953; 8:53 a. m.]

### TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.196]

PART 42—VISAS: DOCUMENTATION OF IM-MIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

PASSPORT REQUIREMENTS FOR IMMIGRANTS

The following amendment to Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby prescribed:

Section 42.36 Passport requirements for immigrants, is amended to read as follows:

§ 42.36 Passport requirement for immigrants—(a) Requirement. Except as provided in paragraph (b) of this section, every alien applying for an immigrant visa shall present to the consular officer a passport, as defined in section 101 (a) (30) of the act and § 42.1 (f) which shall be valid for at least sixty days beyond the period of validity of the immigrant visa issued to-such alien.

(b) Exceptions. An immigrant within any of the following categories shall not be required to present a passport in applying for an immigrant visa.

(1) An immigrant who is a stateless

person;

(2) An immigrant who is a national of, and is applying for an immigrant visa outside of, a Communist-controlled

country and who, because of his opposition to Communism, is unwilling to make application for a passport to, or unable to obtain a passport from, the government of such country.

(3) An immigrant lawfully admitted for permanent residence, who is returning to the United States from a temporary visit abroad;

(4) An immigrant who is a member of the armed forces of the United States; (5) An immigrant who is the spouse or child of a United States citizen;

(6) An immigrant who is the spouse or child of an alien lawfully admitted for permanent residence;

(7) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the categories specified in this paragraph, and in whose case the passport requirement imposed by this section or by the regulations of the Attorney General shall have been waived by the Attorney General and the Secretary of State, as evidence by a specific instruction from the Department to the consular officer.

(c) Immigrants included in single passport. A passport may include any person or persons whose inclusion is authorized under the laws or regulations of the issuing governmental authority. Provided, That a photograph of each such person fourteen years of age or over shall have been attached to the passport.

(Sec. 104, 66 Stat. 174; 8 U.S. C. 1104)

The regulations contained in this order shall become effective upon publication in the Federal Register. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: October 6, 1953.

[SEAL] DONOLD B. LOURIE, Under Secretary for Administration.

[F. R. Doc. 53-9124; Filed, Oct. 26, 1953; 8:54 a. m.]

# TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System
[No. 6477]

PART 125-ADVANCES

MAXIMUM LOANS TO MEMBERS

OCTOBER, 21, 1953.

Resolved that, pursuant to § 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11) § 125.1 of the regulations for the Federal-Home Loan Bank System (24 CFR 125.1) is hereby amended, effective October 27, 1953, to read as follows:

§ 125.1 Limitations on advances. A Bank shall not, unless otherwise directed by the Board, advance to any member

an aggregate amount in excess of the amount for which such member can legally obligate itself for 50 percent of such member's net assets or 50 percent of such member's liability for shares and deposits, whichever is the least.

Resolved further that, as this amendment merely clarifies the meaning of the existing regulation, it is found that it is not necessary to issue such regulation, with notice and public procedure thereonunder § 108.12 of the General Regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and that it is not subject to the effective date limitation of section 4 (c) of said act.

(Sec. 17, 47 Stat. 736; 12 U.S. C. 1437)

By the Home Loan Bank Board.

[SEAL]

J. Francis Moore, Secretary.

[F. R. Doc. 53-9078; Filed, Oct. 26, 1953; 8:52 a. m]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

Subchapter B-Bureau of the Public Debt

PART 335—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVINGS NOTES, SERIES C

SUSPENSION OF SALE OF TREASURY SAVINGS NOTES, SERIES C

The sale of Treasury savings notes, Series C, offered under Treasury Department Circular No. 931, (18 F R. 6400) dated October 1, 1953, will be suspended at the close of business Friday, October 23, 1953, until further notice.

Applications for these notes placed in the mail before 7:00 o'clock p. m., eastern standard time, October 23, 1953, and those received by commercial banks and paid for by credit in the Treasury Tax and Loan Accounts before the close of business Friday, October 23, will be considered as having been entered before the suspension of the sale of such notes.

(Sec. 1, 40 Sat. 288, as amended; 31 U. S. C. 752)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

OCTOBER 23, 1953.

[F. R. Doc. 53-9122; Filed, Oct. 23, 1953; 5:14 p. m.]

### TITLE 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

[Amdt. 48]

PART 1613—REGISTRATION PROCEDURES

ACCOMPLISHMENT OF REGISTRATION

Section 1613.15 of the Selective Service Regulations is amended to read as follows:

§ 1613.15 Registration certificate. (a) After the Registration Card (SSS Form No. 1) is completed and signed, the reg-

istrar shall prepare, from information taken from the Registration Card (SSS Form No. 1) the Registration Certificate (SSS Form No. 2) The registrar shall never fill out the Registration Certificate (SSS Form No. 2) until after completely finishing the Registration Card (SSS Form No. 1) Whenever the registration is accomplished at a place other than a local board office the registrar shall deliver or mail the Registration Certificate (SSS Form No. 2) with the Registration Card (SSS Form No. 1) to the local board for which he is a registrar.

(b) If the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is within the area of the local board, or if the local board has jurisdiction of the registrant under paragraph (b) of § 1613.43, the local board shall mail the Registration Certificate (SSS Form No. 2) to the registrant immediately after the registrant has been assigned a selective service number but in no case later than the 15th day of the month next following the month in which the registrant was registered. The local board shall enter the registrant's selective service number on the last line on the back of the Registration Certificate (SSS Form No. 2)

(c) If the place of residence of the registrant is not within the area of the local board, the Registration Certificate (SSS Form No. 2) shall be transmitted with the Registration Card (SSS Form No. 1) in the manner provided in § 1613.43 to the local board which has jurisdiction of the registrant. Upon recent of the Registration Certificate (SSS Form No. 2) and the Registration Card (SSS Form No. 1) the local board having jurisdiction of the registrant shall mail the Registration Certificate (SSS Form No. 2) to the registrant immediately after the registrant has been assigned a selective service number. The local board shall enter the registrant's selective service number on the last line on the back of the Registration Certificate (SSS Form No. 2).

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY, Director of Selective Service.

OCTOBER 22, 1953.

[F. R. Doc. 53-9082; Filed, Oct. 26, 1953; 8:52 a. m.]

[Amdt. 49]

PART 1621—PREPARATION FOR CLASSIFICATION

SELECTIVE SERVICE NUMBERS

Section 1621.4 of the Selective Service Regulations is amended to read as follows:

§ 1621.4 Placing selective service numbers on registration cards and cer-

No. 210-2

tificates. (a) Selective service numbers determined in the manner prescribed in § 1621.2 shall be assigned to registrants as they register or as their Registration Cards (SSS Form No. 1) and Registra-tion Certificates (SSS Form No. 2) are received and the next number in order for registrants of each year of birth shall be used each time, except that selective service numbers shall not be assigned to 18-year-old registrants until the 10th day of the month next following the month in which they attained the age of 18 years unless such a registrant has volunteered for induction. Selective service numbers shall then be entered on the Registration Cards (SSS Form No. 1) in the blocks provided therefor and on the Registration Certificates (SSS Form No. 2) on the last line on the back thereof.

(b) Selective service numbers shall be placed on Registration Cards (SSS Form No. 1) and Registration Certificates (SSS Form No. 2) in black ink with pen and ınk. Each Registration Card (SSS Form No. 1) and Registration Certificate (SSS Form No. 2) shall have one and only one selective service number. No letter. fraction, or other suffix shall be used after the number. Each selective service number shall be used but once as it is applicable to one registrant only and to no other. Great care shall be exercised in entering the selective service number on all forms where it is required, to insure that each element of the selective service number is placed in its proper block, where provided, or is separated by a hyphen.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, Director of Selective Service.

OCTOBER 22, 1953.

[F. R. Doc. 53-9083; Filed, Oct. 28, 1953; 8:52 a. m.]

### TITLE 36—PARKS, FORESTS, AND **MEMORIALS**

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PRIVATE OPERATIONS

Section 1.31, entitled Private operations, is amended to read as follows:

§ 1.31 Private operations—(a) Permits. (1) No person, except National Park Service employees or other persons authorized to do so by law, shall reside permanently on federally owned lands within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(2) No person, firm, or corporation shall engage in or solicit any business or

erect buildings on federally owned lands within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(3) No person, firm, or corporation shall construct, or attempt to construct, a telephone line, telegraph line, power line, or other private or public utility over, through, or under any federally owned land within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(4) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way, over, across, or upon any federally owned land within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(b) Application for permit. Applications for such authorization may be addressed to the superintendent of the area involved.

(Sec. 3, 39 Stat. 535, as amended, 16 U.S. C. 3)

Issued this 19th day of October 1953.

RALPH A. TUDOR, Acting Secretary of the Interior.

[F. R. Doc. 53-9045; Filed, Oct. 26, 1953; 8: 45 a. m.]

### TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

> Appendix-Public Land Orders [Public Land Order 922]

> > ARIZONA

AMENDMENT OF PUBLIC LAND ORDER NO. 317 OF APRIL 15, 1946

By virtue of the authority vested in the President by the act of June 25, 1910, c. 421 (36 Stat. 847), as amended by the act of August 24, 1912, c. 369 (37 Stat. 497; 43 U.S. C. 141-143), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The second paragraph of Public Land Order No. 317 of April 15, 1946, exclusive of the land description, is amended to read:

Subject to valid existing rights, the following-described public lands in Arizona are hereby temporarily withdrawn from settlement, location, sale, or entry. and reserved for the purpose of development under the act of June 1, 1938 (52 Stat. 609: 43 U. S. C. sec. 682a) as amended, and for lease or sale under that act, after classification thereunder.

ORME LEWIS, Assistant Secretary of the Interior.

OCTOBER 20, 1953.

[F. R. Doc. 53-9048; Filed, Oct. 28, 1953; 8:46 a. m.]

### TITLE 49—TRANSPORTATION Chapter I-Interstate Commerce Commission

Subchapter A-General Rules and Regulations [Docket No. 3666; Order 12]

PARTS 71-78-EXPLOSIVES AND OTHER DANGEROUS ARTICLES

#### MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of October 1953.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444) sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in pro-

visions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:.

### PART 71-GENERAL INFORMATION AND REGULATIONS

Amend § 71.2 paragraph (a) (15 F.R. 8261, Dec. 2, 1950) (49 CFR 71.2, 1950 Rev.) to read as follows:

§ 71.2 Act of Congress. (a) Section 834, Title 18 of the United States Code. approved June 25, 1948 (Pub. Law 772, 80th Cong.) provides that whoever knowingly delivers to any common carrier engaged in interstate or foreign commerce by land or water, or carries upon any car or vehicle operated by any common carrier engaged in interstate or foreign commerce by land, any explosive or other dangerous article specified in section 832, under any false or deceptive marking, description, invoice, shipping order or declaration, or without informing the agent of such carrier, in writing, of the true character thereof, or does not plainly mark on the outside of every package containing explosives or other dangerous articles the contents thereof. shall be fined or imprisoned, or both, as provided in this act.

PART 72-COMMODITY LIST OF EXPLO-SIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 commodity list (17 F R. 7279, Aug. 9, 1952) (15 F R. 8263, 8265, 8266, 8267, 8268, 8269, 8270, 8273, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles. (a) \* \* \*

clippings, shavings, sheets, or l		container by rail express
coal, activated. Carbon monoxide. *Charcoal, activated. *Charcoal, activated. Hexamethylene diamine solution Torpedoes, railway or track. See Railway torpedoes. Zirconium metal powder, wet or sludge. Zirconium metal powder or sponge, dry.  Add  Aluminum, metallic, powdered. Aluminum scrap (borings, chunks, clippings, shavings, sheets, or		
turings). Cigar and cigarette lighter fluid. Hafnium metal powder or sponge, dry, Hafnium metal powder, wet or sludge. Hydrochloric acid solution, in- hibited. Igniters, jet thrust. Lithium aluminum hydride. Magnesium dross. Methyl bromide and ethylene di- bromide mixture, liquid. New explosives or explosive devices.  Lithium aluminum hydride. See § 73.173. Pols. B.  73.18, 73.119. No exemption, 7 73.244, 73.263. No exemption, 7 75.85, and 74.502 (a) (8).	73,214 Yellow #  Yellow Yellow #  73,215 Yellow #  White #  73,224 Yellow #  Yellow #	10 gallons.  150 pounds.  75 pounds.  100 pounds.  100 pounds.  10 gallons.  75 pounds.  150 pounds.  25 pounds.

### PART 73—SHIPPERS

SUBPART A-PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend entire § 73.25 (16 F R. 9372. Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.25) to read as follows:

§ 73.25 Specification containers in outside containers. (a) Outside specification shipping containers containing no acids or other corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, or metal barrels or drums. The outside shipping container must be marked with the pré-

scribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP" The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRE-SCRIBED SPECIFICATIONS" unless unless the specification markings on the inside packages are visible through openings in the outside package.

~ (b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except as provided in §§ 73.258 to 73.261. The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "THIS SIDE UP" or "THIS END UP" The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED

2. Amend § 73.31 Notes 1 to 2 paragraph (g) (18 F R. 3134, June 2, 1953) (17 F R. 9835, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.31) to read as follows:

TIONS" unless the specification mark-

mgs on the inside packages are visible

through openings in the outside package.

SPECIFICA-

§ 73.31 Qualification, maintenanco. and use of tank cars. (g) \* \*

Note 1. Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2, except those in chlorine service, and except tanks made to specification 106A500, 106A500X, 106A800, 106A800X, or 107A (§§ 78.276, 78.276, or 78.277 of this chapter), now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until June 30, 1954, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of specification 103A, 103A–W, 103C, 103C–W, and 103C–AL (§§ 78.266, 78.281, 78.268, and 78.283 of this chapter) tank cars, now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until June 30, 1954, or until further order of the Commission.

3. Amend § 73.33 paragraphs (g) and (k) (11) (15 F. R. 8281, 8282, Dec. 2, 1950) (49 CFR 73.33, 1950 Rev.) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

(g) Cargo tanks of the specifications shown in subparagraph (1) of this paragraph, made prior to the effective date of this order, authorized for use under regulations of the Commission effective March 1, 1935, those effective June 15, 1940, or February 1, 1942, may be continued in use as previously authorized until further order of the

Commission. Tanks now under construction under specification MC 310 may be so marked.

Containers made un-(1) Where these regulations call for der the following specification specifications may also be used: numbers: \_\_\_ 7.2-S-1. MC 200\_ MC 201\_\_\_\_\_ 7.2. MC 300\_\_\_\_\_ 7.3-S-1.2. MC 301\_\_\_\_ 7.3-S-1.3. 7.3-S-1.4. MC 302\_ MC 303\_\_\_\_\_ 7.3-S-1.5. MC 310\_\_\_\_\_ 7.5-S-1.2. MC 311\_\_\_\_\_ MC 310 and 7.5-S-1.2.

(k) \* \* \*

(11) Every cargo tank authorized for the transportation of flammable liquids and/or corrosive liquids under specifications MC 300 to MC 303 inclusive, or MC 311 (§§ 78.321 to 78.324, or § 78.331 of this chapter) must be retested as provided in the applicable specification, except that retests not required on tanks equipped with rubber lining but retests must be made before such tanks are relined.

4. Add paragraph (k) (12) to § 73.34 (15 F. R. 8284, Dec. 2, 1950) (49 CFR 73.34, 1950 Rev.) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders. \* \* \*

(k) \* \* \*

(12) Cylinders made in compliance with specifications ICC-4B, ICC-4BA (§§ 78.50 and 78.51 of this chapter) or ICC-26-300, used exclusively for liquefied petroleum gas which is commercially free from corroding components, may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due. When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year), ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)) type cylinder protective coating (painted, galvanized, etc., and statement as to need of refinishing or recoating) conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring, or fire damage) disposition of cylinders (returned to service, to cylinder manufacturer for repairs, or scrapped) a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method.

. . . . .

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATIONS

- 1. Add paragraph (q) to § 73.51 (15 F R. 8285, Dec. 2, 1950) (49 CFR 73.51, 1950 Rev.) to read as follows:
- § 73.51 Forbidden explosives. • •
- (q) New explosives (except samples for laboratory examination (see § 73.86)) until approved for transportation by the Bureau of Explosives.
- 2. Amend § 73.53 paragraph (k) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:
- § 73.53 Definition of class A explosives.
- (k) Explosive projectiles. Explosive projectiles are shells, projectiles or rocket heads loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, mortars, or rocket launching devices.
- 3. Amend § 73.79 introductory text of paragraph (a) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 73.79, 1950 Rev.) to read as follows:
- § 73.79 Jet thrust units (jato), class A. (a) Jet thrust units (jato) class A, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. (For shipments of igniters, jet thrust, see § 73.92.) These units must be packed in outside containers complying with the following specifications:
- 4. Amend § 73.88 paragraph (b) and add paragraph (e) (1) (16 F. R. 9373, Sept. 15, 1951) (15 F R. 8293, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.88) to read as follows:
- § 73.88 Definition of class B explosives.
- (b) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.
  - (e) \* \* \*
- (1) Igniters, jet thrust, are devices used to ignite the propelling charge of jet thrust units.
- 5. Amend entire § 73.92 (18 F. R. 5271, Sept. 1, 1953) (49 CFR 73.92, 1950 Rev.) to read as follows:
- § 73.92 Jet thrust units (fato) class B, or igniters, jet thrust. (a) Jet thrust units (jato), class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato) class B, or igniters, jet thrust, must be packed in outside containers complying with the following specifications:

- (1) Spec. 14, 15A, 15E, or 16A (§ 78.165, § 78.168, § 78.172 or § 78.185 of this chapter) Wooden boxes or wooden boxes, fiberboard lined.
- (2) Spec. 15B (§ 78.169 of this chapter). Authorized only for igniters, jet thrust.
- (b) Jet thrust units (jato) class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.
- (c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS B" or "IGNITERS, JET THRUST"
- (d) Jet thrust units must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

Amend § 73.138 paragraph (a) (16 F. R. 5324, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.138) to read as follows:

§ 73.138 Pentaborane. (a) borane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection cap or must be packed in strong wooden boxes and blocked therein so as to protect the valves from mjury under conditions normally incident to transportation. Cylinders not exceeding 2 inches in diameter nor 6 inches in length, excluding the length of the valve, may also be packed in strong solid fiberboard boxes, having no outside dimension less than 4 inches, completely filled with layers of strong corrugated fiberboard, the center of which shall be cut out to fit the cylinder valve, and otherwise so designed that neither the cylinder nor the valve will be in contact with any wall of the box under conditions normally incident to transportation.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

- 1. Add paragraph (c) (63) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:
- § 73.153 Exemptions for flammable solids and oxidizing materials. \* \* \* (c) \* \* \*
  - (63) Lithium aluminum hydride.
- 2. Amend § 73.173 heading and paragraph (a) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.173, 1950 Rev.) to read as follows:
- § 73.173 Aluminum dross or magnesium dross. (a) Aluminum dross or magnesium dross must not be shipped when hot or when containing moisture liable to cause heating or fire during transportation.
- 3. Amend § 73.190 paragraph (b) (4) (15 F. R. 8308, 8309, Dec. 2, 1950) (49 CFR 73.190, 1950 Rev.) to read as follows:
- § 73.190 Phosphorus, white or yellow.
  - (b) • •

- (4) Spec. MC-310 and MC-311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F and then cooled until the water has a temperature not exceeding 105° F before being offered for transportation.
- 4. In § 73.206 amend heading and introductory text of paragraph (a) and amend paragraphs (a) (1) and (2) (15 F R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:
- § 73.206 Sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride. (a) Sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride must be packed in specification containers as follows:
- (1) Spec. 15A or 15B (\$78.168 or \$78.169 of this chapter) Wooden boxes with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction) Inside metal cans with closures securely fastened, positive means not required, must not exceed 1-gallon capacity each for lithium aluminum hydride and must be cushioned in outside containers with sufficient incombustible packing material.
- (2) Spec. 5, 6A, 6B, or 6C (§ 78.80, § 78.97, § 78.98 or § 78.99 of this chapter) Metal barrels or drums. Not authorized for lithium aluminum hydride.
- 5. In § 73.214 amend heading and introductory text of paragraph (a) 'amend paragraph (a) (1) and cancel Note 1 to paragraph (a) (1) (15 F R. 8311, Dec. 2, 1950) (49 CFR 73.214, 1950 Rev.) to read as follows:
- § 73.214 Zirconium metal powder or hafnium metal powder wet or sludge.

  (a) Zirconium metal powder or hafnium metal powder, wet or sludge, must be packed in specification containers as follows:
- (1) Spec: 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with inside metal cans, spec. ZA (§ 78.20 of this chapter) of screw-cap type, or tightly and securely closed by push-in covers held in place by soldering or crimping at least at four points and not exceeding 10 pounds net weight each, or inside metal drums of not less than 26 gauge bodies and heads, with welded side seams and gasketed closure of positive type (not friction) and capacity not over 50 pounds net weight. Gross weight of outside containers must not exceed 150 pounds.
- 6. In § 73.215 amend heading and introductory text of paragraph (a) amend paragraph (a) (1) and add paragraph (a) (3) (4) and (5) (15 F R. 8311, Dec. 2, 1950) (49 CFR 73.215, 1950 Rev.) to read as follows:

- (4) Spec. MC-310 and MC-311. \$ 73.215 Zirconium or hafnium metal powder or sponge, dry. (a) Zirconium or hafnium metal powder or sponge, dry. (b) The specification contains an analysis of this chapter is the powder or sponge, dry. The probability of the probab
  - (1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with inside metal containers, tightly and securely closed by push-in covers held in place by soldering or crimping at least at four points, or in screw-cap type metal cans. Inside containers must not exceed 10 pounds net each. Gross weight of outside packages must not exceed 75 pounds each.
  - (3) Spec. 6A, 6B, or 6C (§ 78.97, § 78.98 or § 78.99 of this chapter) Metal barrels or drums not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium metal sponge (not powder)
  - (4) Spec. 17H or 37D (§ 78.118 or § 78.125 of this chapter) Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafmum metal sponge (not powder)
  - (5) Zirconium or hafmum metal of particle size exceeding 20 mesh is not subject to these regulations.
  - 7. Amend entire § 73.220 (17 F. R. 7281, Aug. 9. 1952) (49 CFR 1950 Rev., 1952 Supp., 73.220) to read as follows:
  - § 73.220 Magnesium scrap or alumium scrap (borings, chunks, clippings, shavings, sheets, or turnings) (a) Magnesium scrap or aluminum scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In lessitian-carload or lessitian-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.
  - (b) Magnesium scrap or aluminum scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel or wood covered gondola cars and trucks or trailers must have closed or completely covered bodies.
  - (c) Magnesium scrap or aluminum scrap consisting of chunks, clippings, or sheets in tightly and secured closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.
  - SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS, DEFINITION AND PREPARATION
  - 1. Amend § 73.247 paragraph (a) (9) and (13) (18 F. R. 803, Feb. 7, 1953 (15 F R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:
  - § 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous) and titanium tetrachloride. (a) \* \* \*
  - (9) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles. Benzyl chloride must be stabilized when loaded in unlined tanks.

- (13) Spec 103A or 103A-W (§§ 78.266 or 78.281 of this chapter) Tank cars, mckel clad at least 10 percent, authorized for acetyl chloride, stabilized benzyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron. Nickel clad tank cars are not authorized for unstabilized benzyl chloride.
- 2. Amend § 73.248 paragraph (a) (6) (15 F R. 8314, Dec. 2, 1950) (49 CFR 73.248, 1950 Rev.) to read as follows:
- § 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.
  (a) \* \* \*
- (6) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.
- 3. Amend § 73.249 paragraph (a) (6) (15 F R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:
- § 73.249 Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids. (g) \* \* \*
- (6) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles, marked "For Caustic Soda, Liquid Only", or "For Caustic Potash, Liquid Only"
- 4. Amend § 73.250 paragraph (a) (3) (15 F R. 8314, Dec. 2, 1950) (49 CFR 73.250, 1950 Rev.) to read as follows:
- § 73.250 Automobiles or other selfpropelled vehicles. (a) \* \*
- (3) When batteries are installed in the vehicle, they must be completely protected so that short circuits will be prevented and so secured that leakage of acid will not occur under conditions normal to transportation.
- 5. Add paragraph (a) (5) to § 73.254 (16 F R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.254) to read as follows:
- § 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide. (a) \* \* \*
- (5) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles.
- 6. Amend § 73.257 paragraph (a) (4) (15 F R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:
- § 73.257 Electrolyte (acid) or corro-
- sive battery fund. (a) \* \* \* (4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles, except that unlined tanks must not be used.
- 7. In § 73.263 amend heading and introductory text of paragraph (a), amend paragraph (a) (10) and add paragraph (a) (14) (15 F R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:
- § 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution. (a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydro-

chloric (muriatic) acid solution, inhibited, and sodium chlorite solution not exceeding 40 percent sodium chlorite must be packed in specification contamers as follows:

- (10) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles, lined with rubber or equally acid-resistant material of equivalent strength and durability.
- (14) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter) Metal drums (single-trip) not over 5 gallons capacity each. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric (muriatic) acid. Drums must be lined throughout with a pliable plastic material impervious to the solution. Spec. 37D metal drums must be at least 24 gauge steel.
- 8. Amend § 73.264 paragraphs (a) (14) and (b) (3) (15 F. R. 8317, 8318, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as-follows:
- § 73.264 Hydrofluoric acid. (a) \* \* \* (14) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles.
- (b) \* \* \* (3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles.
- 9. Amend § 73.265 paragraph (b) (4) (17 F. R. 1562, Feb. 20, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.265) to read as
  - § 73.265 Hydrofluosilicic acid. \* \* \* (b) \* \* \*
- (4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles, lined with rubber.
- 10. Amend § 73.267 paragraph (a) (7) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.267, 1950 Rev.) to read as follows:

§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid) (a) \* \*

- (7) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles. (See paragraph (b) of this section.)
- 11. Amend § 73.268 paragraph (b) (3) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73:268 Nitric acid. \* \* \* \* (b) \* \* \*

- (3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles.
- 12. Amend § 73.271 paragraph (a) (8) (15 F R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:
- § 73.271 Phosphorus oxychloride. phosphorus truchlorude, and thiophos-phoryl chloride. (a) \* \* \*
- (8) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicles when tanks are lead-lined.

13. Add paragraph (c) (5) to § 73.272 and amend paragraphs (g) (1), (h) (2), and (i) (3) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 Sulfuric acid. • • • • (c) • • •

- (5) Spec. 22A or 22B (§§ 78.196 or 78.197 of this chapter) Wooden drums, glued plywood, with not more than 1 inside container of glass or earthenware not over 1-gallon capacity.
- (g) \* \* \* (1) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter) Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for 66° Baume sulfuric acid.

[Note 1 remains the same.]

(h) \* \* \*

(2) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) Tank motor vehicle.

(i) \* \* \*

(3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles (rubber-lined).

14. Amend § 73.209 paragraph (a) (4) (18 F R. 804, Feb. 7, 1953) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 Formic acid and formic acid solutions. (a) \* \*

- (4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.
- 15. Add § 73.292 (15 F R. 8324, Dec. 2, 1950) (49 CFR 73.292, 1950 Rev.) to read as follows:

§ 73.292 Kexamethylene diamine solution. (a) Hexamethylene diamine solution must be packed in specification containers as follows:

In containers prescribed in (1) § 73.249.

(2) Spec. MC 300, MC 301, MC 302, MC 303, MC 310 or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.330 or 78.331 of this chapter) Tank motor vehicles.

SUDPART F-COMPRESSED GASES; DEFINITION AND PREPARATION

1. Add the entry "Carbon monoxide" in paragraph (a) table and add Note 13 in § 73.308 (17 F. R. 9337, Nov. 1, 1952) (15 F.R. 8327, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.308) to read as follows:

§ 73.308 Compressed gases in cylinders. (a) \* \* \*

Kind of gas	Maximum per- mitted filling density (cao Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column muct be used as provided in Note 1 and § 73.24 (a) to (c)
Carbon monoxide (see Note 13)		ICC-3A1500; ICC-3AA1500; ICC-3.

Note 13: The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.

- 2. Amend § 73.314 paragraph (g) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 73.314, 1950 Rev.) to read as follows:
- § 73.314 Compressed gases in tank cars.
- (g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, dichlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, fertilizer ammoniating solution containing free ammonia, liquid carbon dioxide, methyl chloride, monochlorodifluoromethane, nitrogen fertilizer solution, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds. *Provided*, That for single-unit tank car tanks hav-Provided, ing water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the

tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC-105A300 (§ 78.271 of this chapter), if tanks are forge-welded and ICC-105A300W (§ 78.286 of this chapter) if tanks are fusionwelded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§ 78.273 or § 78.288 of this chapter) the quantity of liquefied chlorine gas or liquefied sulfur dioxide gas loaded into such tanks must be not more than 110.-000 pounds and the quantity of lique-fied chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

3. Amend § 73.315 paragraph (a) (1) table and paragraph (i) (2) table (18 F. R. 5272, Sept. 1, 1953) (18 F. R. 3137, June 2, 1953) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.315) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers. (a)

(1) • • •

	Maximum permitted filling density		Specification container required	
Kind of gas	Percent by weight (seo Note 1)	Percent by volume (see par. (I) of this section)	Type (550 Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia	69	82 See Note 5 See Note 7	ICC-21, MC-330 ICC-51, MC-330	265. 150.

	Maximum permitted filling density		Specification container required	
Kind of gas	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous monomethylamine Anhydrous trimethylamine Carbon dioxide	60 57 See par. (c) of this section.	See Note 7 See Note 7 95	ICC-51, MC-330 ICC-51, MC-330 ICC-51, MC-330	150. 150. 200; see Note 3.
Dichlorodifluoromethane	See par. (c) of this section. See par. (b) of this section.	See Note 7 See Note 7 See par. (b) of this section.	MC-330 MC-330 ICC-51, MC-330	150. 150. See subpar. (b) (1) of this section.
Monochlorodifluoromethane Nitrous oxide	See par. (c) of this section.	See Note 7	ICC-51, MC-330 ICC-51, MC-330	250. 200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000-2,000 pounds water capacity,- fusible plug).	125	See Note 6	ICC-51	225.
1,000-2,000 pounds water capacity,		~~~ 4.~. <b>~</b>		

Kind of gas	Minimum start-to- discharge pressure (psig)
Anhydrous ammonia	265. See paragraph (i) (1) of this section. 150.
Liquefied petroleum gases	90 percent of the design working pressure of tank.
Nitrous oxide	See paragraph (i) (1) of this section.
Sulfur dioxide: Up to 1,200 gallons water	120.
capacity tank.  Over 1,200 gallons water capacity tank.	110.

#### SUBPART G-POISONOUS ARTICLES; DEFINITION AND PREPARATION

- 1. In § 73.353 amend heading and introductory text of paragraph (a) and add paragraph (d) (15 F R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:
- § 73.353 Methyl bromide or mixtures of methyl bromide and ethylene dibromide, liquid. (a) Methyl bromide or mixtures of methylbromide and ethylene dibromide, liquid, must be packed in specification containers as follows:

\*

\*

- (d) Spec. 17C (§-78.115 of this chap-Metal drums (single-trip) not over 5 gallons capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures containing not over 40 percent by weight of methyl bromide.
- 2. Add paragraph (b) (3) to § 73.357 (16 F R. 9379, Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.357) to read as
- § 73.357 Chlorpierin\_and chlorpierin mixtures containing no compressed gas or poisonous liquid, class A. (b) \* \*
- (3) Spec. 17C or 17E (§ 78.115 or §78.116 of this chapter) Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 30 gallons. Authorized only

for chlorpicrin mixtures containing not to exceed 15 percent chlorpicrin by weight and only authorized for such mixtures not classed as flammable under these regulations.

SUBPART H-MARKING AND LABELING EX-PLOSIVES AND OTHER DANGEROUS ARTICLES

- Amend § 73.401 paragraph (c) (15 F R. 8340, Dec. 2, 1950) (49 CFR 73.401, 1950 Rev.) to read as follows:
- § 73.401 Dangerous articles. \* \* \* (c) Packages containing flammable liquids in inside containers of 1 quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, and liquid oxidizing materials in inside containers regardless of capacity, unless specifically exempted, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "THIS SIDE UP" or "THIS END UP" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

### PART 74-CARRIERS BY RAIL FREIGHT

- 1. Amend § 74.502 paragraph (a) (8) (15 F R. 8345, Dec. 2, 1950) (49 CFR 74.502, 1950 Rev.) to read as follows:
- § 74.502 Forbidden explosives. (a) \* \* \*
- (8) New explosives (éxcept samples for laboratory examination (see § 73.86 of this chapter)) until approved for transportation by the Bureau of Explosives.
- 2. Amend § 74.526 paragraph (1) (17 F R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 74.526) to read as follows:
- § 74.526 Loading explosives into
- cars. \* \* \*

  (1) Explosives, class A, must not be loaded, transported, or stored in cars

having exposed heating coils, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

3. Amend § 74.527 paragraphs (a) and (b) (17 F R. 1563, Feb. 20, 1952) (15 F R. 8347, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 74.527) to read as follows:

§ 74.527 Forbidden mixed loading and storage. (a) Explosives, class A, and initiating or priming explosives must not be transported in the same car with, nor be stored on railway property near, any of the dangerous articles other than explosives for which red, yellow, green, white (acid or corrosive liquid) or radioactive material labels are prescribed in Parts 71-78 of this chapter. nor with charged electric storage batteries.

(b) Explosives must not be loaded together nor with other dangerous articles. except as provided in the loading and storage chart (see § 74.538) See § 74.584 (h) for loading shipments of explosives or any other material in a placarded and certified car containing a shipment of class A explosives.

SUBPART A-LOADING, UNLOADING, PLACARD-ING AND HANDLING CARS; LOADING PACKAGES INTO CARS

. .

Amend § 74.532 paragraph (c) (18 F R. 3138, June 2, 1953) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 Loading other dangerous articles. \* \* \*

(c) Packages protected by labels or exempted from labels by § 73.402 (c) of this chapter must be so loaded that they cannot fall and in such manner that other packages cannot fall onto or slide against them. Packages bearing mark-ing "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart, § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid" "Alkaline Caustic Liquid" or "Corrosive Liquid" labels.

### SUBPART C-PLACARDS ON CARS

Amend § 74.549 paragraph (h) (18 F R. 3138, June 2, 1953) (49 CFR 74.549, 1950 Rev.) to read as follows:

- § 74.549 Application of placards.
- (h) Placards must be securely applied to both sides and both ends of car, or truck body or trailer loaded on flat cars. containing explosives or other dangerous articles for which placards are prescribed for cars containing such articles by §§ 74.541 and 74.542.

SUBPART E-HANDLING BY CARRIERS BY RAIL FREIGHT

Amend § 74.584, paragraph (h) (15 equipped with any type of lighted heater F. R. 8355, Dec. 2, 1950) (49 CFR 74.584, or open-flame device, or electric devices. 1950 Rev.) to read as follows: or other billing, \*

(h) At stations where other shipments of any material are loaded into a properly certified and placarded car received with shipments of explosives, or when shipments of explosives are transferred or reloaded, or carload shipments are reconsigned, a record must be kept of the car, originating point, carrier's name and date of car certificate.

### PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.655 paragraphs (a) and (d) (17 F. R. 4297, May 10, 1952) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 75.655) to read as fol-

§ 75.655 Protection of packages. (a) In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled. Packages bearing the marking "This Side Up" or "This End Up" as required by Part 73 of this chapter must be so handled and loaded.

(d) Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves or electric devices having exposed heating coils are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

### PART 78—SHIPPING CONTAINER SPECIFICATIONS

\*

4

SUBPART A-SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend § 78.1-9 introductory text of paragraph (d) (18 F. R. 3139, June 2, 1953) (49 CFR 78.1-9, 1950 Rev.) to read as follows:

§ 78.1 Specification 1A, boxed carboys. Glass, earthenware, clay, or stoneware.

### § 78.1-9 Tests. \* \* \*

(d) When required. By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of

§ 74.584 Waybills, switching orders, Bureau of Explosives; separate tests re-other billing. \* \* \* quired for:

> 2. Amend § 78.3-9 introductory text of paragraph (d) (18 F. R. 3139, June 2, 1950) (49 CFR 78.3-9, 1950 Rev.) to read as follows:

> § 78.3 Specification 1C; carboys in kegs. Glass, earthenware, clay, or stoneware.

### § 78.3-9 Tests. \* \* \*

(d) When required. By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

3. Amend § 78.4-8 introductory text of paragraph (d) (18 F. R. 3139, 3140, June 2, 1953) (49 CFR 78.4-8, 1950 Rev.) to read as follows:

§ 78.4 Specification 1D; boxed glass carboys.

§ 78.4-8 Tests, \* \* \*

(d) When required. By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

4. Amend § 78.5-9 entire paragraph (d) (18 F. R. 3140, June 2, 1953) (15 F. R. 8377, Dec. 2, 1950) (49 CFR 78.5-9, 1950 Rev.) to read as follows:

§78.5 Specification 1X, boxed carboys, 5 to 6 gallon, for export only. Glass, earthenware, clay, or stoneware.

## § 78.5-9 Tests. • • •

(d) When required. By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container)

(2) Packages differing in kind of cushioning.

5. Amend § 78.6-10 introductory text of paragraph (d) (18 F R. 3140, June 2, 1953) (49 CFR 78.6-10, 1950 Rev.) to read as follows:

§ 78.6 Specification 1EX, glass carboys in plywood drums. Single-trip container.

### § 78.6–10 Tests. \* \* \*

(d) When required. By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

6. Amend § 78.7-8 introductory text of paragraph (d) (18 F. R. 3140, June 2, 1953) (49 CFR 78.7-8, 1950 Rev.) to read as follows:

§ 78.7 Specification 1E; glass carboys in plywood drums.

§ 78.7–8 Tests. \* \* \*

(d) When required. By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

SUBPART D-SPECIFICATIONS FOR LIETAL BAR-RELS, DRUMS, KEGS, CASES, TRUMES AND EOXES

1. Add § 78.107-13 (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107-13, 1950 Rev.) to read as follows:

§ 78.107 Specification 42B; aluminum drums.

§ 78.107-13 Defective contamers. (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

2. Add § 78.108-13 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.108-13, 1950 Rev.) to read as follows:

§ 78.108 Specification 42C; aluminum barrels or drums.

§ 78.108-13 Defective containers. (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

3. Add § 78.109-13 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.109-13, 1950 Rev.) to read as follows:

§ 78.109 Specification 42D; alummum drums.

§ 78.109-13 Defective containers. (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

4. Add § 78.136-13 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.136-13, 1950 Rev.) to read as follows:

§ 78.136 Specification 42E; alummum drums. Single-trip container.

§ 78.136-13 Defective containers. (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

SUBPART J-SPECIFICATIONS FOR CONTAIN-ERS FOR MOTOR VEHICLE TRANSPORTATION

1. Amend § 78.330-3 paragraph (a) (15 F. R. 8554, Dec. 2, 1950) (49 CFR 78.330-3, 1950 Rev.) to read as follows: § 78.330 Specification MC 310; cargo tanks.

§ 78.330-3 New tank motor vehicles. (a) Except as provided in § 78.330-4, every new tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any corrosive liquid shall comply with the requirements of specifications MC 310 or MC 311. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of either specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of either specification by his own test, he shall similarly retain the test

- 2. Add § 78.331 (15 F R. 8556, Dec. 2, 1950) (49 CFR 78.331, 1950 Rev.) to read as follows:
- § 78.331 Specification MC 311, cargo tanks. To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.
- § 78.331-1 Scope. (a) This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of corrosive liquids.
- § 78.331-2 Existing tank motor vehicles continuing in service—(a) Specifi-cation tank motor vehicles. Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they nave been designed and constructed in accordance with the requirements set forth in paragraphs T-117 (a) T-118 (a) and (b) T-120, T-121, T-122, T-123, and T-124, of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, approved. adopted, and prescribed by order of this Commission dated November 6, 1934, and vacated on June 15, 1940.
- (1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to the effective date of this specification, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 of the Regulations for the Transportation of Explosives and Other Dangerous Articles.
- (b) Existing nonspecification tank motor vehicles. Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this section, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331–6 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories as specified in §§ 78.330–15, 78.330–16, 78.

330-17, 78.330-18 (b) and 78.330-19 of specification MC 310 or §§ 78.331-11 (d) and (e) 78.331-15 and 78.331-17 of this specification.

(c) Qualification of existing tank motor vehicles which conform to Specification MC-311. Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to the effective date of this specification and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.-331-5.

§ 78.331-3 New tank motor vehicles. (a) Except as provided in § 78.331-4 every new tank motor vehicle acquired by a motor carrier on or after the effective date of this specification, for the transportation of any corrosive liquid shall comply with the requirements of specifications MC 311 or MC 310. A certificate from the builder of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of either specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. The certificate shall indicate that the cargo tank has successfully passed the test requirements.

§ 78.331-4 Novel tank motor vehicles, special authorization. (a) The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tanks which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport corrosive liquids.

§ 78.331-5 Marking of cargo tanks—
(a) Metal identification plate. On the right side, near the front, and in a place readily accessible for inspection, there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.¹
Manufacturer's Name.²
Date of Manufacture.²
ICC MC \* \* \* \* ³
Maximum Working Pressure.⁴
Material.⁴
Lining.⁴
Nominal Capacity ⁴\_\_\_\_\_\_\_ U.

Nominal Capacity .\_\_\_\_. U. S. Gallons.4 Density of Cargo, Maximum\_ Lb/Gallon.4

<sup>1</sup> Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tanks may be put in this space.

<sup>2</sup>In the event the identity of the tank manufacturer or the date of manufacture is

not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN"

Substitute "ICO SPEC-T-118", or "ICO 7.5-S-1" or "MC 310" or "NO SPECIFICA-TION" as appropriate. For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of \$78.331-8 (d), MC 311-IIIS for steel tanks designed in accordance with Table III of \$78.331-8 (d) and MC 311-IVS for steel tanks designed in accordance with Table IV of \$78.331-8 (d). For aluminum tanks substitute AL for S.

<sup>4</sup> This data required for MC 311 cargo tanks only.

(b) Test date markings. The date of the last test or retest required by the regulations in this part shall be painted on the tank in letters not less than 1½ inches high, in legible colors, immediately below the metal identification plates specified in paragraph (a) of this section.

(c) Certification by markings. The markings specified in paragraphs (a) and (b) of this section shall serve to certify that the information thereby set forth is correct.

§ 78.331-6 Times of retesting of cargo tanks. Every cargo tank used for the transportation of any corrosive liquid shall be tested or retested as follows:

(a) Tanks out of service one year or more. Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned to or placed in such service until it shall have successfully fulfilled the requirements set forth under § 78.331-7.

(b) Nonspecification tunks. Every cargo tank not complying with the requirements set forth in § 78.331-2 (a) or § 78.331-3 shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.331-7. No two such required tests shall be closer together than 6 months.

(c) Specification tanks. Every cargo tank complying with the requirements set forth in § 78.331–2 (a) or § 78.331–3 shall be tested at least once in every 5-year period. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.331–7.

(d) Novel cargo tanks. Every cargo tank which shall have been authorized by this Commission to transport corresive liquids under the provisions of \$78.331-4 shall be tested under requirements specifically set forth in the terms of such authorization.

(e) Testing following accidents. Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under § 78.331-7 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(f) Special testing required by the Commission. Upon the showing of prob-

able cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of § 78.331–7 at any time.

§ 78.331-7 Method of testing—(a) Test for leaks; carge tanks. Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design working pressure but not less than 3 pounds per square inch gauge. The pressure shall be gauged at the top of tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) Test for distortion or failure.

(b) Test for distortion or failure. Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the

same method-of test.

(c) Test of heating system. After any interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 pounds per square inch gauge. Systems employing flues for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.

§ 78.331–8 Design requirements—(a) A. S. M. E. Code construction. Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, 1951, or 1952 editions—no revisions, but shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in those sections.

(b) When divided into compartments. When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested, and retested as a separate tank.

(c) Head, bulkhead and baffle thicknesses. Tanks built under this specification, that are not constructed in accordance with paragraph (a) of this section shall have head thicknesses conforming with those in the following tables:

Table I—Minihum Thicrness of Heads, Bulembars, And Bapples (Divied, Corrugated, Reinforced of Rolled)—for Mild, High Tenche and Stabilets Stiels

Weight of product at 60° F.	Volume capacity of tank in gallims per inch of length			
Weight of product at 60° F. in pounds per gallen	10 or loss	Over 10 to 14	Over 14 to 18	Over 18
Less than 10	12 muga 1	10 gauge 8 gauge 716 inch	9 caure %s Inch % inch	8 gauge. % inch. % inch.

<sup>1</sup> Wherever gauges are specified in this specification the references chall be to U. S. Standard gauge.

(d) Shell thickness. Tanks built under this specification, that are not constructed in accordance with paragraph (a) of this section, shall have shell thicknesses conforming with those in the following tables:

### TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge and inches—For mild, high tensile and stainless steel]

Distance between attachments	Volun	e capacity of tank is	gallons per inch of	length
of bulkheads, baffles or other shell stiffeners	10 or lecs	Over 10 to 14	Over 14 to 18	Over 18
	Z,	faximum shell radiu	s of less than 70 inche	3
26 inches or less Over 36 inches to 54 inches Over 54 inches to 60 inches	12 gauge 12 gauge 12 gauge	12 gauge 12 gauge 10 gauge	19 mure	10 gauge. 9 gauge. 8 gauge.
	Maximum	shell radius 70 inches	s or more but less the	n CO inches
26 Inches or less Over 26 Inches to 54 Inches Over 54 Inches to 60 Inches	12 gauge 12 gauge 10 gauge		10 muse 0 muse 8 muse	9 gauge. 8 gauge. Vic inch.
	Maximum	shell redius 60 inches	or more but less that	n 125 inches
26 Inches or Iess Over 26 Inches to 54 Inches Over 54 Inches to 60 Inches	12 gauge 10 gauge 9 gauge		8 mune	8 gauze. Me inch. Me inch.
		Maximum chell mdi	us 125 inches er mere	
C6 Inches or less Over 26 Inches to 54 Inches Over 54 Inches to 60 Inches	10 gáuge 0 gáuge 8 gáuge	9 gauge 8 gauge 716 inch	%o Inch	% inch % inch. % inch.

### TABLE III-FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge and inches-Fer mild, high tensile and stainless steell

Vel	ume capacity of tank is	n gallens per inch of	length
10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell fadius of less than 70 inches			
10 gauge	10 gauge	8 g3ug9	8 muge. Me inch. Minch.
Maximu	m chell radius 70 inche	s or more but less the	in CO inches
10 cauce	8 gauge	% a luch	%c irch. % inch. % incu.
Maximu	m shell radius 60 inches	or more but less the	n 125 inekes
8 ໝາຍວາ	%10 IUCH	Minches and a second	
	Maximum thell redi	us 125 inches or more	,
Me Inch	34 luch	14 inch	% inch. % inch. % inch.
	10 or less  10 gauge 10 gauge 10 gauge 10 gauge 10 gauge 10 gauge 8 gauge Maximu 10 gauge 8 gauge 4 inch.	10 or less	Maximum shell fadius of less than 70 inch

TABLE IV-FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge and inches—For mild, high tensile and stamless steel]

Distance between attachments of bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length				
	10 or less	Over 10 to 14	Over_14 to 18	Over 18	
	Maximum shell radius of less than 70 inches				
36 inches or less Over 36 inches to 54 inches Over 54 inches to 60 inches	8 gauge 8 gauge 8 gauge	8 gauge 8 gauge 3/6 inch	8 gauge %s inch % inch	% inch. ¼ inch. ¼ inch.	
	Maximum shell radius 70 inches or more but less than 90 inches				
30 inches or Iess	8 gaugo 8 gauge 3/6 inch	8 gauge 'Me inch Minch	% inch % inch % inch	14 inch. 14 inch. 16 inch.	
	Maximum s	Maximum shell radius 90 inches or more but less than 125 inches			
30 inches or less	8 gauge No inch ¼ inch	Ne inch	14 inch 14 inch 15 inch	14 inch. He inch. He inch.	
	Maximum shell radius 125 inches or more				
36 inches or less	% inch	¼ inch ¼ inch ¼ inch	1/4 inch 1/16 inch 1/16 inch	Me inch. Me inch. Minch.	

(e) Cargo tanks built of non-ferrous metals. Cargo tanks constructed of materials other than mild, high tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula.

Thickness for materials other than steel=Steel thickness from tables  $\times \sqrt[3]{\frac{3\times 10^{\circ}}{\text{Modulus of elasticity of material to be used.}}}$ 

§ 78.331-9 Materials. Methods of design, fabrication, and construction for non-ferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(a) A. S. M. E. Code materials. Cargo tanks required to comply with the A. S. M. E. Code for Unfired Pressure Vessels must be manufactured of materials authorized by the Code.

(b) Ferrous metal properties. Materials used in cargo tanks built to conform with the tables in § 78.331-8 must have the following minimum physical properties:

Yield point\_\_\_\_\_ 25,000 lb. per sq. in. Ultimate strength.... 45,000 lb. per sq. in. Minimum elongation, '20 percent. 2-inch sample.

(c) Aluminum properties. Aluminum materials must have the following minimum physical properties:

Yield point\_\_\_ \_\_\_\_ 12,000 lb. per sq. fn. Ultimate strength 17,000 lb. per sq. in.
Minimum elongation, 6 percent.

2-inch sample.

(d) Lining. Except as provided in paragraph (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(e) Conditions under which tanks need not be lined. Tanks need not be lined as provided in paragraph (d) of this section if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.331-8 corresponding to its

type, or
(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passified or neutralized.

§ 78.331-10 Joints. (a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank.

§ 78.331-11 Tank outlets—(a) No bottom outlets. Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving

the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve at the discharge end of the outlet and must not be moved with any of the contents in the outlet beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquid may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(b) Bottom wash - out chambers. Tanks may be equipped with bottom wash-out chambers.

(c) Bottom outlets and wash-out chambers. Bottom outlets or bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transpor-

(d) Shear section. Any outlet shall be provided with a shear section between each shut-off valve seat and draw-off valve which section will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the draw-off valve or piping. Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

(e) Protection of valves. Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

§ 78.331-12 Venting, gauging, loading, and air inlet devices—(a) Safety vent. Each tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 11/2 times the design working pressure.

(b) Gauging, loading and air inlet devices. Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connec--tions or valves.

§ 78.331-13 Heads, bulkheads and baffles. Flat heads or flat bulkheads without reinforcement are not permitted.

§ 78.331-14 Outage indicators. (a) Every cargo tank, and every compartment of cargo tank must be equipped with a means of indicating outage.

§ 78.331-15 Closures for manholes.
(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

§ 78.331-16 Overturn protection. (a) All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

§ 78.331-17 Heater coils. (a) Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on December 31, 1953, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

By the Commission, Division 3.

[SEAL]

George W. Laird, Secretary.

[F. R. Doc. 53-9029; Filed, Oct. 26, 1953; 8:45 a. m.]

Subchapter B—Carriers by Motor Vehicle
PART 211—SCOPE OF OPERATING
AUTHORITY; ROUTES

DEVIATION FROM AUTHORIZED REGULAR ROUTES IN TRANSPORTATION OF EXPLO-SIVES AND OTHER DANGEROUS ARTICLES BY MOTOR CARRIERS SUBJECT TO THE INTER-STATE COMMERCE ACT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of October A. D. 1953

The above-entitled matter being under consideration:

It appearing, that § 197.1 (d) of Part 197, Title 49, Code of Federal Regulations, of the Commission's regulations for the transportation of explosives and

other dangerous articles provides that motor vehicles transporting explosives and other dangerous articles shall be so driven as to avoid, so far as practicable, and, where feasible, by prearrangement of routes, congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings;

It further appearing, that the Commission has received numerous inquiries regarding deviation from their authorized regular routes by motor carriers subject to the Interstate Commerce Act, with a view to reducing or eliminating hazards in congested areas as an incident to the transportation of explosives and other dangerous articles;

It further appearing, that in many instances motor carriers of explosives and other dangerous articles must operate through or make interchange of equipment carrying such commodities in highly congested areas, with attendant hazard to such areas, or, in the alternative, seek temporary authority from this Commission to by-pass such areas or effect interchange at points outside thereof; that the entry of a general order is warranted for the purpose of prescribing and publishing rules and regulations under which such carriers may deviate from their authorized routes to by-pass congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, dangerous crossings and other congested areas, or effect interchange at points outside thereof. which is not permissible under their existing authorities; that the publication of such rules and regulations would be in harmony with the Commission's motor carrier safety regulations, would relieve the carriers and the Commission of the unnecessary burden of processing applications for temporary authority pertaining to such situations, would contribute to safety of operations by the carriers, and would do much to remove serious and unwarranted hazards to which the public otherwise would be exposed in such matters:

And it further appearing, that the rules and regulations set forth in the next succeeding paragraphs hereof are reasonable; that deviation from their authorized regular routes, under the conditions described herein below, by motor carriers of explosives and other dangerous articles holding authority from this Commission, is or will be required by public convenience and necessity, in the case of common carriers, and consistent with the public interest and the National Transportation Policy, declared in the Interstate Commerce Act, in the case of contract carriers; and the Commission so finding; and that as the said rules and regulations merely relieve from a requirement in the interest of promoting public safety upon the highways, notice and public procedure are unnecessary and undesirable and would only serve to delay the effectiveness of the said rules and regulations; therefore, it is ordered, that:

§ 211.8 Deviation from regular routes in the transportation of explosives and

other dangerous articles by motor carriers—(a) Conditions. Motor carriers holding authority from this Commission to operate over regular routes in the transportation of explosives and other dangerous articles may deviate from their authorized routes, without obtaining prior authority therefor, for the purpose of by-passing congested thoroughfares, places where crowds are assembled. street car tracks, tunnels, viaducts, dangerous crossings and other congested areas or of effecting interchange of equipment, by common carriers, when transporting such commodities outside congested areas, subject in all instances to the following conditions:

(1) Any practicable route may be used in by-passing congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts and dangerous crossings: Provided, however That in no instance shall a by-pass route be used if as a consequence the distance traveled by the carrier would be reduced by more than ten miles.

(2) Interchange of equipment by common carriers may be effected at any place within ten miles of a municipality or within ten miles of the post office of an unincorporated community where interchange is permissible under existing authorities of the interlining carriers involved.

(3) The carrier shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave the authorized highway and the point where it proposes to return to such highway, and (ii) a complete description by highway numbers of the proposed deviation route between the point where it proposes to leave its authorized highway and the point where it will return to such highway.

(4) The letter must be accompanied by a map on which shall be clearly shown in one color the authorized route and in a different color the by-pass route involved and if interchange of equipment is to be made at a point outside the commercial zone of the municipality or unincorporated area the location of such interchange point also shall be shown on the map.

(5) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that such deviation from its authorized route will not enable the carrier to engage in transportation between any points where because of the circuity of its present route, or otherwise, such operation is not now practicable.

(6) The right to operate in the manner indicated hereinabove shall continue only so long as the carrier is performing service authorized under the Interstate Commerce Act, and only so long as the conditions set forth herein are observed.

(7) Such further terms, conditions, and limitations as the Commission, in

the future, may find it necessary to impose or attach to the exercise of the privileges herein authorized.

The Commission may forbid deviation in accordance with this order whenever in its opinion such deviation is otherwise unreasonable or undesirable.

It is further ordered, that this order shall become effective on the date of service hereof.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U.S.C. 308, 309)

By the Commission.

[SEAL]

GEORGE W. LAIRD. Secretary.

[F. R. Doc. 53-9113; Filed, Oct. 23, 1953; 3:55 p. m.]

### PROPOSED RULE MAKING

Production and Marketina Administration

[7 CFR Part 928]

[Docket No. AO-227 A3]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Pittsburg, Kansas, on September 1-4, 1953, pursuant to notices thereof which were issued on August 18, 1953, and August 21, 1953 (18 F. R. 4995, 5122)

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator. Production and Marketing Administration on October 2, 1953, issued his recommended decision and opportunity to file exceptions thereto with respect to a certain issue of such hearing, which was published in the FEDERAL REGISTER on October 8, 1953 (18 F R. 6809)

Material issues. The material-issues of record related to the pricing of Class I milk for the period through March 1954. the pooling and payment provisions of the order, the rate of deductions for marketing services, certain definitions, and administrative features of the order. In this decision there is considered only the issue with respect to the pricing of Class I milk for the period through March 1954. Other issues are reserved for later decision.

Findings and conclusions. The following findings and conclusions are based on the evidence introduced at the hearing and the record thereof:

1. Supply and sales relationships in the Neosho Valley market should determine whether or not the Class I price differential should be increased in the months through March 1954. Evidence of county agents and dairy farmers establishes clearly that milk production

DEPARTMENT OF AGRICULTURE costs are increased by the resulting lack of pasture and short supplies of home grown feeds upon which dairymen in this area rely for roughage. While there is some conflicting testimony as to whether home grown feed supplies are greater or less than in the drought year of 1952 there is no doubt that they are considerably less than normal for the area.

A cooperative association of producers proposed that for the period through March 1954 the differential added to the basic formula price in determining the price for Class I milk be increased from \$1.45 to \$1.90. For the months of September 1952 through January 1953, when it was anticipated that a critical shortage of milk supplies would result from the effects of the 1952 drought, the Class I price differential was temporarily established at \$1.85.

Receipts of producer milk in the Neosho Valley market have increased substantially over those of a year ago. The order for this market first became effective December 1, 1951. From that date through July 1952 total receipts of producer milk were 49.6 million pounds. For the comparable period of December 1952 through July 1953 receipts were 62.1 million pounds or an increase of approximately 25 percent. July 1953 receipts were 20 percent above those of July 1952. The major portion of the increased production has resulted from mcreased production per producer, a smaller portion from increases in the number of producers supplying the market. From December 1951 to July 1952 deliveries per producer averaged about 297 pounds per day while for the more recent 8 month period the average delivery per day was 343 pounds or an increase of about 15 percent. July 1953 daily average receipts per producer were 337 pounds of milk, or about 12 percent greater than the 300 pound daily average for July 1952. The 754 producers supplying the market in July of this year represents the largest number for any month since the order has been in effect. and is an increase of 49 from the comparable figure a year ago.

Disposition of Class I milk, on the other hand, is somewhat less than a year ago. In only one of the most recent eight months for which data are available on the record has the total volume of Class I sales been equal to that of the corresponding month a year earlier. For the entire eight month period the volume of Class I sales was approximately 4 percent less. In July 1953 total Class I sales were 1.8 percent less than in July 1952. Despite the decline in total Class I sales producers have been paid for a greater volume of Class I milk in some months of the recent period than for the same month a year earlier. This is apparently due to the fact that in one month of the earlier period milk supplies were less than the Class I sales of the market, and in three other months were not distributed so that all handlers had supplies adequate for their Class I needs.

As a result of the substantial increases in production during a period of moderate decline in sales, milk supplies have recently been considerably in excess of Class I sales. In May, the month of highest production, Class I sales were only about 55 percent of producer receipts, and in July this relationship was about 68 percent. In July this year the volume of production in excess of Class I needs was more than double that a year ago, when Class I sales were 83 percent of producer receipts. 2.53 million pounds of producer milk were classified as Class II milk this July, while 1.24 million pounds were so classified in July

Producer blend prices of the order have been substantially less than a year ago, due to lower class prices and larger percentages of the increased production being priced as lower priced Class II milk. For June and July the uniform blend prices were 69 and 75 cents per hundredweight, respectively, less than those of a year earlier. For other months since February decreases in blend prices have exceeded these amounts. About 30 percent of the current reduction in the blend price is due to the heavier proportion of Class II milk and about 70 percent is due to the decline in class prices. Changes in class prices reflect changes in the values of manufactured dairy products and in the prices paid for manufacturing milk. The Class I price, for which the effective bases have been the national market for dairy products and mid-west condensary prices, are currently (July and August) reduced approximately 53 to 54 cents or a little less than 10 percent; the Class II price, which is based on the paying prices of local manufacturing plants is 80 cents, or 19 percent, less than a year

The proponents contend that with the currently lower level of producer incomes the effects of the present drought will result in much greater hardship than in 1952. They do not predict so much an immediate shortage in milk supplies as an eventual liquidation of herds due to the financial burden from added out-of-pocket costs in purchasing feed supplies normally home grown. Handlers presented surveys of producers' estimates of the numbers of cows to be milked this winter which indicate an increase over a year ago.

It is difficult to predict from the record the milk supplies to be expected in the area during the coming months. In the drought year of 1952, the only year for which market-wide statistics are available, production in August was the lowest for any month following March. Increased sales, however, resulted in a lower ratio of supplies to sales in October and November. By December, production was more than 10 percent above that for August and the significant changes noted above in the level of production were evident.

Market statistics for the month of August 1953 were not available on the record. Official notice is hereby taken of the statistical summary for that month released September 11, 1953, by the market administrator. These show that August production per day was 8.28 percent less than that for July and was at the lowest level since January 1953. Class I sales are also reported as 4.5 percent above those for July and about 1 percent above those for August 1952. Class I sales were 77.6 percent of producer receipts as compared with 68.05 percent for July 1953 and 86.85 percent for August 1952.

Seasonal declines in production from August through fall and early winter months are usually experienced in other markets near to the Neosho Valley market, so that the 1952 experience cannot be considered representative of the production trend that is to be expected. Some seasonal increases in fluid milk are also to be expected. Should seasonal decreases in production or increases in sales be substantial the market may not have sufficient reserve supplies of milk during the months of October through January. Such changes however, cannot be predicted from the record.

It is concluded that current relationships of Class I sales to milk supplies will provide the best basis for determining the need for and extent of upward adjustment of the Class I milk price in the Neosho Valley area during the months through March 1954. The Neosho Valley order has no automatic provision for adjusting the Class I price on the basis of such relationships, while such provisions are contained in orders for some nearby areas also affected by drought conditions, and with which the Neosho Valley market competes for milk supplies. Producers proposing a fixed increase point to the lack of such an automatic adjustment in support of their proposal.

While data with respect to the Neosho Valley market are not yet sufficient to determine the normal seasonal relationships of supply to sales upon which an automatic provision could be designed to operate for all months and under normal conditions, relationships can be determined which should with reasonable accuracy show the need for upward adjustment of prices for a limited number of months under the conditions shown in the record. The Neosho Valley and Greater Kansas City milksheds overlap to a certain extent, and are both affected by drought conditions. For the months under consideration the Greater Kansas City order Class I price is also determined by a \$1.45 differential, but is adjusted by the relationship of Class I sales to milk supplies. It is concluded that for the months through March 1954 provision should be made for automatic increases in the Neosho Valley price based on current supplydemand conditions in the Neosho Valley market that are the equivalent of these increases provided in the Greater Kansas City order when like conditions prevail in that market. It is reasonable to conclude that for the limited purposes here provided such provisions will indicate the need for adjustment of the Neosho Valley price. Because the provision is limited to providing upward adjustments, no adjustment is provided in an amount less than 12 cents, and the level of supply at which such adjustment will occur is that at which a 12-cent adjustment would occur under the Kansas City order.

In the recommended decision provision was made for adjustment of October prices in the event that amending action might be concluded for a portion of that month. Such action cannot now be made effective for any significant portion of the month of October so that this provision is deleted. Certain exceptions received indicated the belief that the provision, in combination with the provision now in the order to avoid contraseasonality of price, would affect the price of later months without regard to more current supply-demand relationships. Such was not the intent nor the effect of the provision included in the recommended decision. In order that there may be no misunderstanding, the language of the provision hereby adopted

is made more explicit in this respect.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement, and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of August 1953 is hereby

determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed Lereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Neosho Valley Marketing Area," which have been decaded upon as the detailed and appropriate means of effectivating the foregoing conclusions. These documents shall not become effective unless and until the requirements of \$ 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amenaed by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of October 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order 1 Amending the Order, as Amended Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 928.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at

<sup>\*</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area. and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has

been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the second proviso appearing in § 928.51 (a) and substitute therefor the following:

And provided further That for each delivery period from the effective date hereof through March 1954 the proviso immediately preceding shall be effective only with respect to prices computed without regard to the following adjustment, and the price so computed shall be increased if the gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 928.61) for the first and second delivery periods immediately

preceding is a percentage of the total receipts of producer milk in such delivery periods equal to or in excess of the applicable percentage set forth below, by the amount of 12 cents, plus 4 cents for each percentage point or major fraction thereof of such excess, but not more than 45 cents in total:

Delivery period for which price applies	Delivery periods used in computation	Percent- aga
November December January February March	September-October October-November. November-December. December-January January-February	91

The amount of any adjustment pursuant to this proviso shall be announced by the market administrator on or before the 11th day of the delivery period and the adjusted price so announced shall be effective in lieu of the price announced pursuant to § 928.22 (j) (1)

[F. R. Doc. 53-9089; Filed, Oct. 26, 1953; 8:54 a. m.]

### **NOTICES**

### DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Dist. No. 1, Amdt. 2] [Dist. No. 7, Amdt. 2]

NEW MEXICO

MODIFICATION OF GRAZING DISTRICTS

OCTOBER 20, 1953.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U.S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with departmental Order No. 2583 of August 16, 1950, section 2.22, 15 F. R. 5643, the following-described lands are excluded from New Mexico Grazing District No. 1 (Misc. 1831005) as heretofore established and modified and added to New Mexico Grazing District No. 7 (Misc. 1788903) as heretofore established and modified:

#### NEW MEXICO PRINCIPAL MERIDIAN

- T. 31 N., R. 1 E., that portion west of the Tierra Amarilla Grant and north of the Jicarilla Indian Reservation.
- T. 32 N., R. 1 E., that portion west of the Tierra Amarilla Grant.
- T. 31 N., R. 1 W., that portion north of the Jicarilla Indian Reservation.
- T. 32 N., R. 1 W.,
- T. 27 N., R. 4 W.,
- Secs. 17 to 20, inclusive.
- Tps. 27 and 28 N., R. 5 W.,
- Tps. 29 to 32 N., R. 5 W., those portions west of the Carson National Forest.
- Tps. 23 to 32 N., R. 6 W., Tps. 24 to 32 N., R. 7 W.,
- Tps. 28 to 32 N., R. 8 W.,
- Tps. 29 to 32 N., R. 9 W.,
- Tps. 26 to 32 N., R. 10 W.,
- Tps. 27 to 32 N., R. 11 W.,
- Tps. 29 to 32 N., R. 12 W.,

- Tps. 29 to 32 N., R. 13 W., T. 29 N., R. 14 W., that portion north of the San Juan River.
- T. 30 N., R. 14 W.,
- T. 29 N., R. 15 W., that portion north of the San Juan River.
- T. 30 N., R. 15 W.,
- T. 29 N., R. 16 W., that portion north of the San Juan River and east of the Navajo Indian Reservation.
- T. 30 N., R. 16 W., that portion east of the Navajo Indian Reservation.

The areas described including both public and non-public lands aggregate approximately 1,263,994 acres.

The lands covered by this order shall not be subject to the special rules heretofore approved for administration of New Mexico Grazing District No. 7 or to any existing agreements between the Bureau of Land Management and the Bureau of Indian Affairs pertaining to administration of New Mexico Grazing District No. 7 only.

> EDWARD WOOZLEY, Director.

[F. R. Doc. 53-9049; Filed, Oct. 26, 1953; 8:46 a. m.]

#### National Park Service

[Order No. 7]

REGIONAL DIRECTORS AND SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO PERMITS FOR PRIVATE OPERATIONS AND GRAZING AND AGRICULTURAL PERMITS

Section 15, entitled Permits for private operations, of Order No. 3, approved May 16, 1952 (17 F R. 4720), is amended to read as follows:

SEC. 15. Permits for private operations. The Regional Directors of the Service are authorized to issue revocable permits covering private operations which may be conducted within the Regions which they administer. The Superintendents are authorized to issue revocable permits. (except concession permits) covering private operations which may be conducted within the areas which they administer when such permits are similar in nature to those already approved by the Regional Director. (See 36 CFR 1.31.)

Section 16, entitled Grazing and agricultural permits, of Order No. 3, approved May 16, 1952 (17 F R. 4720), is amended to read as follows:

Sec. 16. Grazing and agricultural permits. The Regional Directors of the Service are authorized to issue revocable permits authorizing grazing and agricultural uses of the federally owned lands within the Regions which they administer. The Superintendents are authorized to issue revocable permits authorizing grazing and agricultural uses of the federally owned lands within the areas which they administer when such permits are similar in nature to those already approved by the Regional Director. (See 36 CFR 1.20.)

(Secretary's Order No. 2640; 39 Stat. 535, 16 Ü. S. C., 1946 ed., sec. 2.)

Issued this 19th day of October 1953,

[SEAL] CONRAD L. WIRTH, Director.

Approved: October 19, 1953.

RALPH A. TUDOR, Acting Secretary of the Interior.

IP. R. Doc. 53-9044; Filed, Oct. 26, 1953; 8:45 a. m.]

[Order 9]

REGIONAL DIRECTORS AND SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT DELEGATIONS OF AUTHORITY WITH RESPECT TO SCHEDULE OF RATES

Schedule of rates. (a) The Regional Directors of the Service are authorized to approve all schedules of rates at which accommodations, goods, and services (except meals, food, and beverages) are furnished or sold by the concessioners operating within their respective areas under contracts or permits executed by the Regional Directors. Upon approval of all such rate schedules by the Regional Director, copies of such approved schedules shall be transmitted immediately to the Director. When the rates approved by the Regional Director are the same as, or lower than, those previously in effect, they shall be effective immediately upon approval. When the rates approved by the Regional Director are original rates, that is, rates applied to items for the first time, or when the rates are higher than those previously in effect, they shall be effective on and after 10 days from the date of such approval unless disapproved by the Director during such 10-day period. If the new rates are disapproved, the rates in effect before the submission of the request for a change in the rates shall remain in effect.

(b) The Superintendents of the Service are authorized to approve all schedules of rates at which meals, food, and beverages are furnished or sold by the concessioners operating within their respective areas. Upon approval of all such rate schedules by the Superintendent, copies of such approved schedules shall be transmitted immediately to the Director and to the appropriate Regional Director. When the rates approved by the Superintendent are the same as, or lower than, those previously in effect, they shall be effective immediately upon approval. When the rates approved by the Superintendent are original rates. that is, rates applied to items for the first time, or when the rates are higher than those previously in effect, they shall be effective on and after 10 days from the date of such approval unless disapproved by either the Director or the appropriate Regional Director during such 10-day period. If the new rates are disapproved, the rates in effect before the submission of the request for a change in the rates shall remain in effect.

(Sec. 16, Secretary's Order No. 2640, 16 F. R. 5846; 39 Stat. 535, 16 U.S. C., 1946 ed., sec. 2.)

Issued this 19th day of October 1953.

CONRAD L. WIRTH, Director

Approved: Oct. 19, 1953.

RALPH A. TUDOR, Acting Secretary of the Interior

[F. R. Doc. 53-9047; Filed, Oct. 26, 1953; 8:45 a. m.]

Office of the Secretary

[Order 2640, Amdt. 5]

NATIONAL PARK SERVICE

TO PERMITS FOR PRIVATE OPERATIONS

OCTOBER 19, 1953.

Order No. 2640, dated June 11, 1951, as amended (16 F. R. 5846, 11934; 17 F. R. 482, 964; 18 F. R. 2832) is further amended by the addition of a new section, numbered 35 and reading as follows:

Sec. 35. Permits for private operations. The Director is authorized to issue revocable permits covering private operations which may be conducted within the areas administered by the National Park Service. (See 36 CFR 1.31.)

(5 U. S. C., 1946 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174)

> RALPH A. TUDOR, Acting Secretary of the Interior.

[F. R. Doc. 53-9046; Filed, Oct. 26, 1953; 8:45 a. m.1

### DEPARTMENT OF COMMERCE

Office of the Secretary

BUREAU OF FOREIGN COMMERCE

ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

The purpose of this no- Purpose. tice is to establish the Bureau of Foreign Commerce and to describe its organization and functions.

2. Establishment and organization. Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby established as a primary organization unit of the Department of Commerce the Bureau of Foreign Commerce in furtherance of the Department's statutory responsibility to foster, promote and develop the foreign and domestic commerce and industry of the United States. The Bureau of Foreign Commerce shall be under the authority and supervision of the Assistant Secretary for International Affairs and shall be directed by a Director who shall be appointed by the Secretary and who shall report and be responsible to the Assistant Secretary.

The Bureau of Foreign Commerce shall consist of the following organizational units:

- (a) Office of the Director, which shall include the:
- (1) Assistant Director for Foreign Service Operations.
- (2) Foreign Economic Development Staff.
  - (3) International Resources Staff.
  - (4) Executive Officer.
  - (5) Legal Staff.
  - (6) Publications Staff.
- (b) Office of Export Supply, which shall include the following organizational units:
- (1) Export Control Investigation Staff.

- (2) Agricultural and Chemical Products Division.
  - (3) Finished Products Division.
  - (4) Materials Division.
  - (5) Producers Equipment Division.
  - (6) Operations Division.
- (7) Projects and Technical Data Division.
  - (8) Strategic Controls Division.
- (c) Office of Economic Affairs, which shall include the following organizational units:
  - (1) American Republics Division.
  - (2) British Commonwealth Division.
  - (3) European Division.
  - (4) Far Eastern Division.
- (5) Near Eastern and African Division.
- (6) International Economic Analysis Division.
- (d) Office of Intelligence and Services. which shall include the following organizational units:
  - (1) Insurance Staff.
- (2) Commercial Intelligence Division.
- (3) International Trade Development Division.
- (4) Transportation, Communications and Utilities Division.
- 3. Delegation of authority. (a) Subject to such policies and directions as the Secretary of Commerce may prescribe, the Director of the Bureau of Foreign Commerce shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade and investment vested in the Secretary of Commerce by the act of February 14, 1903 (32 Stat. 826) as amended, and shall carry out the Secretary's authority and responsibilities under the Export Control Act of 1949, as amended.

(b) The Director of the Bureau of Foreign Commerce may redelegate any power or authority conferred on him by this notice to any officer of the Bureau of Foreign Commerce and he may authorize such redelegations by such officer as he may deem appropriate.

4. Objective and responsibilities. The objective of the Bureau of Foreign Commerce shall be to foster and promote the foreign commerce of the United States in exports, imports, capital investment, travel and other significant component elements in international business transactions. To this end the bureau shall:

(a) Cooperate with representatives of other nations in the consideration and solution of international economic, trade and exchange problems through participation in international organizations and conferences, through liaison with foreign embassies and foreign private organizations in the United States, through cooperation with the Department of State and other agencies of the United States Government, and with private American organizations concerned with international economic and business matters, and through other suitable means;

(b) Provide facilities by means of which the resources of American business concerns and business organizations may be brought to hear in the development of Government policies and pro6790 NOTICES

grams in the field of foreign commerce, and to provide assistance to American concerns in the conduct of their foreign trade and investment and other operations through the provision of pertinent information and advise and through the facilities of the United States Foreign Service:

(c) Provide staff and operational support for the Assistant Secretary for International Affairs in the development of policies and programs relating to the foreign trade and commerce of the United States, foreign economic development and international commodity arrangements or arrangements with respect to the utilization of other international resources which affect the foreign economic interests of the United States:

(d) Administer the responsibilities vested in the Secretary with respect to the control of exports from the United States;

(e) Conduct technical and programs for the encouragement of foreign economic development, in cooperation with the scientific and technical areas of the Department: and

(f) Conduct the Department's activities in connection with the China Trade Act, the Foreign Trade Zones Act, and other legislative acts similarly affecting specific aspects of the foreign trade and commerce of the United States.

In carrying out these objectives and responsibilities the bureau will cooperate and collaborate with the Business and Defense Services Administration where? Defense Services Administration whereever the commodity and industrial interests of the latter organization are applicable.

5. Functions of organization units.
(a) The Office of the Director shall be responsible for formulating the policies, developing and coordinating the programs and directing all operations and administrative functions of the Bureau of Foreign Commerce. The Deputy Director shall be the chief operating aide to the Director and shall assist in the direction of operations of the bureau and perform other duties required by the Director.

(b) The Assistant Director for Foreign Service Operations shall be responsible for that portion of the Foreign Service of the United States which is concerned with the functions and activities of the Department of Commerce; planning, developing, coordinating and recommending policies and programs to be carried out by the Foreign Service for the Department; the establishment of Foreign Service post complements for the performance of economic and commercial functions; recruitment, examination, selection, appointment, assignment and transfer of Foreign Service personnel engaged in work of the Department; programming of all reporting performed by the Foreign Service for the Department, and the issuance of guides and manuals with respect to such reporting; the evaluation of individuals and appraisal of post performance; the provision of training programs to prepare officers of the Foreign Service to carry out their duties for the Department; and the maintenance of liaison with the Foreign Service, the Department of State, the Foreign Operations Administration, the Department of Defense, the Central Intelligence agency and other civilian operating and intelligence agencies with respect to the collection and distribution of economic data.

(c) The Foreign Economic Development Staff shall be responsible for the work of the bureau in executing programs of the United States for foreign

economic development.

(d) The International Resources Staff shall be responsible for the work of the bureau relating to international commodity policies and programs. This staff shall be responsible also for the maintenance of necessary relationships with the Business and Defense Services Administration and other primary organization units of the Department of Commerce, with other agencies of the United States Government, and with private and governmental international agencies and organizations in such matters.

- (e) The Executive Officer shall be the chief administrative officer of the Bureau of Foreign Commerce. He shall report and be responsible to the Director. but shall be governed by general administrative policies, standards and procedures established or approved by the Assistant Secretary of Commerce for Administration. The Executive Officer shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the Bureau of Foreign Commerce. He-shall secure all administrative services for the bureau through the offices reporting to the Assistant Secretary of Commerce for Administration.
- (f) The Legal Staff, headed by the Assistant General Counsel for International Affairs as a division of the Office of the General Counsel, shall provide advice and other necessary legal services to the bureau.
- (g) The Publications Staff shall aid the Director in planning and conducting an overall publication, informational, promotional, and educational program to acquaint the trade community with the policies, activities, and services of the Department in the field of international trade, and shall make available to business and industry the factual material on world markets, developments, and trends which is assembled and analyzed by the bureau.
- (h) The Office of Export Supply shall:
  (1) Administer and enforce the export control programs of the Bureau of Foreign Commerce, including the initiation and development of policies and measures for the control of United States exports;

(2) Formulate and recommend measures to meet the security, foreign policy and short supply objectives in the control of exports from the United States;

(3) Determine standards and procedures governing applications for export licenses and carry out the operations involved in the issuance of export licenses, including the maintenance of appropriate operational relationships with the Bureau of Customs and other agencies of the Government directly involved; and

(4) Participate, as appropriate, in the development and conduct of United States policies relating to the control of trade and other economic relationships between the United States and other countries of the free world and the European Soviet bloc and communist countries of the Far East.

(i) The Office of Economic Affairs shall: (1) Assemble, maintain and analyze available economic data on foreign countries, including particularly information affecting international trade and commerce, and arrange for the dissemination of these analytical and factual data to interested agencies of the Government, to the business community and

other interested private parties;

(2) Develop and recommend policies for the Department and coordinate with-in-the Department, by consultation with the Business and Defense Services Administration and other primary organization units of the Department, the action of the Department on all matters relating to the responsibilities of the Department under the Tariff Act of 1930 (19 U. S. C. 1354) the Reciprocal Trade Agreements Act and other legislation affecting import duties and customs procedures of the United States:

(3) Maintain liaison with foreign embassies and legations in the United States, and also ensure the maintenance of liaison with the United States embassies, legations and consulates abroad with respect to its particular programs;

(4) Review export control policies and specific export control actions which raise special economic policy problems;

(5) Maintain continuous review of United States foreign trade and commerce and the trade and commerce among foreign countries as a basis for judgments concerning the effect of international trade and commercial developments upon United States interests:

(6) Develop and maintain information on international financial developments and analyze such information for use in advising policy making officials and disseminate such information to the public;

(7) Assemble and maintain current information on foreign commercial laws and regulations, including information relating to tariffs and trade controls, and analyze their effects upon the foreign operations of American nationals and upon international commerce generally, and disseminate such information; and

(8) Initiate such actions as may be considered appropriate for the protection of American business interests abroad and for the protection of United States treaty rights through the facilities of the United States Foreign Service.

(j) The Office of Intelligence and Services shall: (1) Maintain a central source of commercial intelligence relating to commercial and industrial enterprises in all areas of the world for trade development and other related purposes;

(2) Direct fact-finding projects and reporting activities regarding insurance in foreign countries to provide a comprehensive picture of world insurance markets:

(3) Administer the Foreign Trade Zones Act, including the expanded use of trade zones;

(4) Keep United States industry, business and Government informed on developments, services and problems in the fields of foreign transportation, communications and other public utilities;

(5) Stimulate the development of travel to and from the United States and

within foreign countries;

(6) Provide current information on all important trade fairs and exhibitions throughout the world, stimulate and assist organization and conduct of international trade fairs and exhibitions in the United States, and stimulate, coordinate and manage presentation of cooperative United States industry-Government institutional and prestige exhibits at selected major trade fairs abroad:

(7) Counsel foreign businessmen and governments on marketing and distribution techniques and patterns in international trade by arranging for sending teams of marketing specialists abroad, by managing technical assistance teams visiting the United States, and by other means:

(8) Compile, evaluate and disseminate data on United States and foreign marketing methods and practices;

(9) Assist United States businessmen in the protection of their patent, copyright, trade-mark and other industrial property rights and interests abroad;

(10) Assist United States businessmen in analyzing export and import market prospects for specific lines;

(11) Collect information on and report specific trade and investment op-

portunities abroad; and

(12) Analyze the cause of trade disputes in foreign trade and develop measures for preventing and settling them

- 6. Field programs. The Bureau of Foreign Commerce shall have the authority and responsibility for the determination of all programs and policies governing field activities pertaining to the foreign commerce of the United States through the Office of Field Services, Business and Defense Services Administration.
- 7. Transfer provision. The Office of International Trade is hereby abolished and all of its responsibilities, personnel, records and equipment are transferred to the Bureau of Foreign Commerce.
- 8. Effect on previous issuances. The notices appearing at 15 F. R. 3595-3596 and 15 F R. 6861 are superseded.

All rules, regulations, orders, certificates, directives, and other actions issued by or relating to the Office of International Trade or any official thereof shall remain in effect until amended or revoked by proper authority. Any reference in any rules, regulations, orders, certificates, directives, and the like, to the Office of International Trade shall, where required, be deemed to refer to the Bureau of Foreign Commerce.

9. Effective date. This notice is effective October 12, 1953.

[SEAL] ROBERT B. MURRAY, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 53-9062; Filed, Oct. 26, 1953; 8:49 a. m.]

ORGANIZATION AND FUNCTIONS OF THE BUSINESS AND DEFENSE SERVICES AD-MINISTRATION

ESTABLISHMENT AND ORGANIZATION

The first paragraph of paragraph 2. Establishment and organization of the material appearing at 18 F. R. 6503, is hereby amended to read as follows:

Establishment and organization. Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and the Defense Production Act of 1950, as amended and extended, and in accordance with Executive Order 10480 of August 14, 1953, there is hereby established as a primary organization unit of the Department of Commerce the Business and Defense Services Administration in furtherance of the Department's statutory responsibility to foster, promote and develop the foreign and domestic commerce and industry of the United States, and in furtherance of the Department's responsibilities under the Defense Production Act of 1950, as amended and extended. The Business and Defense Services Administration shall be under the authority and supervision of the Assistant Secretary for Domestic Affairs and shall be directed by an Administrator who shall be appointed by the Secretary and who shall report and be responsible to the Assistant Secretary.

Effective date: October 14, 1953.

[SEAL] ROBERT B. MURRAY, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 53-9061; Filed, Oct. 26, 1953; 8:49 a. m.]

### CIVIL AERONAUTICS BOARD

[Docket 1705 et al]

AIR FREIGHT RATE CASE

TENTH SUPPLEMENTAL ORDER MODIFYING PRESCRIBED MINIMUM RATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of October 1953.

In the matter of rates and charges for the transportation of freight by air established, demanded and charged by certificated air carriers known as the Air Freight Rate Case; Docket No. 1705 et al.

The Board by Order No. E-7735, dated September 21, 1953, directed all interested parties to show cause why the Board should not make final the findings and conclusions specified in the Statement of Provisional Findings and Conclusions (The Statement) accompanying its order, and increase the air freight minimum rates as provided therein. Because of the necessity for immediate action with respect to air freight rates. the order provided for a special expedited procedure under which interested parties objecting to the proposed increases were required to file notices of their objections within 7 days and answers and supporting documents within 15 days of the aforesaid order. It was also provided that if no answers were filed, a hearing would be held for the sole purpose of

putting into the record the information accompanying or specifically referred to in the Statement and thereafter a final order would be issued effectuating the proposed increase in the minimum rates. The order contained additional procedural provisions, not here material, in case answers were filed.

American Airlines, Inc. filed notice of objection and answer stating in substance that while not agreeing with the Board's conclusions it did not desire to contest these matters in this proceeding. The Department of Agriculture filed notice of objections which was later withdrawn. The Department of Defense filed objections and answers but withdrew these on the understanding that if the results of the periodic audit of the books of Slick Airways, Inc., which is presently being conducted by the Board's staff raises doubts as to the correctness of the findings in the Statement, Bureau Counsel would recommend that the Board reopen this proceeding. Obviously, if as a result of such audit or otherwise there should arise doubt as to the correctness of such findings, the Board would move promptly to effectuate appropriate action. The Air Freight Forwarders Association filed an answer which it withdrew by motion dated October 15. The Association pointed out, however, that the whole question of volume weight breaks in freight rate structures is now under investigation in Docket No. 5840 and asked the Board to state in its order amending the minimum. rate order that it would give serious consideration to the suspension of any tariffs filed to comply with the amended minimum rates which reduce weight break spreads. The Society of American Florists filed a petition for leave to mtervene on October 15; at the hearing the Examiner stated that he would permit the society to intervene subject to the Board's later approval.

At or prior to the hearing all answers had in practical effect been withdrawn. Therefore, the applicable further procedure is that specified by Order No. E-7735 for the case where no answer is filed.

A hearing was held on October 16, 1953, before Examiner Edward T. Stodola and the information accompanying and specifically referred to in the Statement was placed in evidence through a witness who was subjected to cross examination. Upon completion of the hearing, the Examiner stated that he would certify the record to the Board for decision and that the order issued by the Board on this record would be final. No objection was made to the Examiner's statement. The record has now been certified to us for our determination. There is nothing in this record to change the provisional findings and conclusions contained in the Statement, which are hereby reaffirmed and made final.

The issues involved in modifying the existing weight break spreads are complex and the entire question is presently under investigation in Docket No. 5840. In view of the necessity for prompt action in adjusting tariffs to conform to the minimum rates prescribed herein, the Board believes that the initial tariff

No. 210----4

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filings pursuant to this order should not change the status quo with respect to weight breaks,

Accordingly, it is ordered, That:

A. Order Serial No. E-1639, dated June 2, 1948, as amended, be further amended by changing the two numbered sentences in the fourth ordering paragraph to read as follows:

1. Twenty cents per ton-mile for the first 1,000 ton-miles of any one shipment.

2. Sixteen and one quarter cents per ton-mile for all ton-miles in excess of 1,000 ton-miles of any one shipment.

B. Orders Serial Nos. E-4048, E-4890, and E-6698, which presently prescribe directional minimum rates which are specified percentages of the minimum rates prescribed by Order Serial No. E-1639, are hereby modified to prescribe that directional minimum rates be constructed by applying the percentages specified in said orders to the minimum rates set forth in paragraph A hereof.

rates set forth in paragraph A hereof.

C. The carrier parties herein, and each of them, upon not less than 10 days notice to the Board and to the general public, shall publish, post, and file tariffs to be effective not later than November 20, 1953, cancelling all rates and charges inconsistent with the lawful minimum rates prescribed by Orders Serial Nos. E-1639, E-4048, E-4890, and E-6698, as previously amended, and as further amended herein.

D. The petition to intervene filed by the Society of American Florists begranted.

E. This order be published in the Feb-ERAL REGISTER.

By the Civil Aeronautics Board.

[SEALT

M. C. Mulligan, Secretary.

[F. R. Doc. 53-9058; Filed, Oct. 26, 1953; 8:48 a. m.]

[Docket No. 4267]

RUTAS AEREAS NACIONALES, S. A.; FOREIGN AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the application of Rutas Aereas Nacionales, S. A. for a foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 1001 and 1102 of the said act, that a hearing in the above-entitled proceeding is assigned to be held on October 29, 1953, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth and E. Streets NW., Washington, D. C., before Examiner Barron Fredericks.

The applicant requests a permit authorizing foreign air transportation of persons, property and mail between the terminal point Miami, Fla. and the alternate terminal points Maiquetia (Caracas) Maracaibo, and Barcelona, Venezuela, by way of the intermediate points Aruba and Curacao, Netherlands West Indies, and Kingston, Jamaica. Without limiting the scope of the issues presented by the application, particular

attention will be directed to the questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able properly to perform such air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization requested is consistent with obligations assumed by the United States in an agreement in force between that Government and the Government of Venezuela.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before October 29, 1953, a statement setting forth the matters of fact or law, raised by the application, which he desires to present.

For further details of the service proposed interested persons are referred to the amended application and the report of prehearing conference on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 22, 1953.

By the Civil Aeronautics Board.

[SEAL]

THOMAS L. WRENN, Acting Chief Examiner

[F. R. Doc. 53-9085; Filed, Oct. 26, 1953; 8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8737]:

CHERRY AND WEBB BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR HEARING

In re applications of Cherry & Webb Broadcasting Company, Providence, Rhode Island, Docket No. 8737, File No. BPCT-223; for construction permit for new television broadcast station, for special temporary authorization.

1. The Commission has before it for consideration (a) the "Petition Protesting Grants, Requesting Hearing, and for Other Relief" filed October 2, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Channel 16 of Rhode Island, Inc., permittee of television broadcast Station WNET, Channel 16, Providence, Rhode Island, directed against the Commission's actions of September 3, 1953, and September 23, 1953, granting, respectively, the above-entitled applications: (b) the "Opposition to Petition Protesting Grants, Requesting Hearing, And For Other Relief' and Petition To Remstate Special Temporary Authorization" filed October 12, 1953, by Cherry & Webb: (c) the "Reply To Opposition To Petition Protesting Grants, Requesting Hearing. And For Other Relief" filed by protestant on October 13, 1953; and (d) the "Answer" to said "Reply" filed by Cherry and Webb Broadcasting Company on October 15, 1953. Set forth below is a copy of

section 309 (c) of the Communications Act.

2. Protestant received its permit to construct a television broadcast station on UHF Channel 16 in Providence, Rhode Island, on April 8, 1953, under its then name of New England Television Co. of Rhode Island (BPCT-1597). Immediately prior to September 1, 1953, there were on file three mutually exclusive applications for VHF Channel 12 in Providence; namely Cherry & Webb Broadcasting Company (C & W), Hope Broad-casting Company (Hope) and Greater Providence Broadcasting Company (G. P.) On that date, the latter two applications (BPCT-1661 and BPCT-1689, respectively) were dismissed pursuant to the requests of the respective applicants. On the same date, C & W filed an amendment to its application which included an agreement entered into on September 1. 1953, by C & W and Hope, G. P., and Robert T. Engles and C. George Taylor, formerly 20 percent stockholders in G. P. The agreement provided, in pertinent part, that, m the event of a grant of the application, C & W would cause to be formed a new corporation to which would be assigned the construction permit; that the 1.000 shares of authorized common stock (\$100 par value) of the new corporation would be subscribed by C & W (550 shares), Hope (250 shares) and G. P (200 shares) and that Engles and Taylor would each have the option to purchase 65 shares from each of C & W and Hope, the option to run for 12 months after the date of Commission approval of the assignment of construction permit, but cancellable after seven months by C & W and Hope upon the payment of \$205,000 to Engles and Taylor (to be divided equally) The Commission granted the C & W application on Sentember 3, 1953, subject to the condition that the grant was without prejudice to any action it might take with respect to any future application filed to effectuate the above agreement. On September 18, 1953, C & W requested a special temporary authorization to commence com-mercial operation with interim facilities at reduced power. This request was granted by the Commission by telegram dated September 23, 1953. On September 29; 1953, the protestant herein petitioned for an order staying the effectiveness of the grant of the STA until the Commission disposed of the protest here under consideration. By Order adopted October 7, 1953, the Commission postponed the effective date of the STA pending final determination by the Commission of the subject protest (FCC 53-1326)

3. In support of its protest, protestant alleges, in general, that it is a party in interest within the meaning of section 309 (c) of the Communications Act, as amended; that it is the permittee of television Station WNET, UHF Channel 16, in Providence; that, by virtue of certain specified economic factors, the proposed station on VHF Channel 12 will be in direct competition with, and will cause economic injury to, protestant in the operation of its station; that C & W is the licensee of Stations WPRO (AM and FM) in Providence; that certain of the stockholders of Hope have important posi-

tions with WEAN (AM) in Providence; that Engles and Taylor are officers, directors and stockholders of WHIM (AM) in Providence; that the C & W application was not amended to reflect who would be officers, directors, and stock-holders of Hope and G. P. or officers, directors, or officials in the new corporation to be formed; that, prior to the Commission's grant of the construction permit, there had been no public notice concerning the amendment of the C & W application or the dismissals of the Hope and G. P. applications; that no public notice was ever issued of the request for the STA, that public notice of the grant of STA was not issued until September 29, 1953; that, on the basis of the information it had before it, the Commission could not make the finding required by section 309 (a) that the public interest, convenience and necessity would be served by the grants; that the Commission's actions were arbitrary, capricious and otherwise in violation of the Communications Act and other provisions of law that, with respect to the option agreement with Engles and Taylor, the \$205,000 consideration is excessive and in violation of previous Commission policy that the seven-months cancellation provision was inserted so that the amount paid could be called a long-term capital gain, which indicates that the parties do not intend that Engles and Taylor exercise the option; that, notwithstanding the reservation sought to be made by the Commission, for all practical and legal purposes, its grant of the application for construction permit allows the effectuation of the agreement to become all but an accomplished fact; that the real parties in interest were not before the Commission in said application: that the amended C & W application raised questions as to multiple ownership, and the Commission could not reasonably have made a grant without following its procedure in the Macon case; 1 that, it appearing from the face of the C & W application that certain construction, begun under an FM authorization, was primarily designed to serve the purpose of a television operation, the Commission, under section 319 (a) of the Communications Act, was precluded from granting the application unless it attached a condition to the effect that the prior construction should not be utilized; that the procedure by which the application for construction. permit was considered and granted was in violation of the Commission's rules, or that, if such rules countenance such procedure, they are arbitrary, unreasonable and contrary to the letter, purposes and intent of the Administrative Procedure Act and the Communications Act because of their ambiguity and because no clear provisions for notice to interested persons are contained therein; that the issuance of the so-called STA to C & W who is only a "permittee" and holds "no

existing license" was clearly in violation of the Commission's rules; and that, to issue a license authorizing a new station without a prior construction permit authorizing construction of that specific station, violates section 319 of the Communications Act. In light of the foregoing, protestant requests (a) that the subject grants be set aside; (b) that the subject applications be set for hearing upon the issues set forth in the petition and such further issues as may be prescribed by the Commission; (c) that the issues set forth in the petition be specifically adopted by the Commission and (d) that the Commission immediately suspend the action granting the STA and defer action upon any application for transfer or assignment of the construction permit pending its consideration and disposition of this protest.

4. In its opposition and the appendices attached thereto, Cherry & Webb alleges, in substance, that protestant, although holding a construction permit for six months, has not commenced construction. at its authorized transmitter site, has not seriously attempted to secure studio facilities, has on hand no technical equipment whatsoever and has made only minimal inquiries regarding possible network affiliations; that, by reason of the foregoing, there is serious doubt as to the ultimate construction of protestant's station and the threat of financial injury from another grant becomes highly speculative rather than direct and substantial; that because of the highly speculative nature of protestant's potential financial injury, it is not a party in interest entitled to protest the grants in question; that the protest fails to comply with the requirement that basic facts be alleged with particularity; that, its application being the only one before the Commission on the date of the grant of the construction permit, the protest, in many respects, is premature since it relates, in part, to persons not parties to the application; that protestant has failed to show that the grants to C & W were contrary to the public interest and that protestant's allegations do not warrant a hearing; that it has not engaged in any unauthorized or premature construction and that protestant's allegations in this regard are wholly without merit; that the principals in the C & W application are the only ones who can be considered to determine if there has been a violation of the Commission's multiple ownership rules and policies and that protestant's allegations in this regard, therefore, are premature; that the Commission, at the time of the grants, had complete information on the principals to the C & W application; that, by reasons of the Commission's "reservation" with respect to future applications filed to effectuate the agreement complained of, the public interest is adequately protected; that the Commission's rules and procedures of which protestant complains are designed to thwart those unquestionably guilty of laches and those who would obstruct and delay to serve their own "evil" designs; that a petition to institute rule-making proceedings is the proper method of attacking these rules and procedures; that the amount payable to Engle and Taylor in

the event the optioners revoke the option is just and reasonable compensation for the prospective loss the optionees will suffer and that the STA issued to C & W and the procedures in connection therewith were legal and consistent with the Communications Act and with the Commission's rules and policies. In reliance upon the foregoing allegations, C & W petitions the Commission to deny the protest and to reinstate its Special Temporary Authorization for the operation of a television station on Channel 12.

5. In light of the fact that the protestant is the permittee of a television broadcast station in Providence, Rhode Island, that the station proposed by the applicant herein will be in direct competition with protestant's station, and that protestant has alleged with specificity that economic injury will result from the grants complained of, we are of the view that protestant is a party in interest within the meaning of section 309 (c) of the Communications Act. Sanders v. Federal Communications Commission, 309 U. S. 470; In re Applications of Salinas Broadcasting Corporation et al., 9 Pike and Fischer R. R. 102; In re Application of Eugene Television, Inc., 9 Pike and Fischer R. R. 601.

6. The Commission further finds that the protestant has specified with particularity the facts, matters and things relied upon as required by section 309 (c) of the Communications Act to warrant the designation of the applications herein for hearing on issues to be specified by further order of the Commission.

7. Accordingly, in view of the foregoing: It is ordered, That, effective immediately, the effective dates of the grants of the above-entitled applications are postponed pending a final determination by the Commission with respect to the protest filed herein by Channel 16 of Rhode Island, Inc., and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at a time and place, and upon appropriate issues, to be designated by further order of the Commission.

Adopted: October 16, 1953. Released: October 19, 1953.

FEDERAL COLLUNICATIONS
COLLUSSION.

[SEAL] WIL P. MASSING, Acting Secretary.

Section 303 (c). When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant'shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under eath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and chall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it co finds the application involved shall be cet for hearing upon the issues set forth in said protest, together with such further

<sup>&</sup>lt;sup>1</sup>In re Macon Television Company, 8 Pike and Fischer R. R. 703, in which the Commission established the policy it would follow in cases where parties having interests in competing AM stations in a community joined in an application for a television station in that community.

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specific issues, if any, as may be prescribed by the Commission. In any hearing subsequently held upon such application all issues specified by the Commission shall be tried in the same manner provided in subsection (b) hereof, but with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and de-termination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

[F. R. Doc. 53-9050; Filed, Oct. 26, 1953; 8:46 a. m.]

[Docket No. 10429]

DARRELL E. YATES

ORDER CONTINUING HEARING

In re application of Darrell E. Yates, Jacksonville, Texas, Docket No. 10429, File No. BP-8285 for construction permit.

Having under consideration a petition to extend the time of hearing filed on October 7, 1953, by Darrell E. Yates;

It appearing that the hearing in this proceeding is now scheduled to commence on Monday, November 23, 1953;

It further appearing that the applicant's attorney is committed to be temporarily absent from this country from October 21, 1953, to approximately January 1, 1954, and

It further appearing that all parties to this proceeding have informally consented to a continuance;

It is ordered, This 19th day of October 1953, that the petition of Darrell E. Yates is granted and the hearing is continued to 10:00 a.m., Monday, January 11, 1954.

> FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P MASSING.

Acting Secretary.

[F. R. Doc. 53-9051; Filed, Oct. 26, 1953; 8:46 a. m.]

[Docket No. 10678]

NASH, INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Nash, Inc., 316 Barrow Street, Jersey City, New Jersey.

The Commission having under consideration a request of the Acting Chief, Field Engineering and Monitoring Bureau filed October 15, 1953, for a continuance of the hearing in the aboveentitled case and a telegram and a letter from the respondent concurring in the request for continuance; and

It appearing from the pleading before us, that respondent in recent correspondence has informed the Commission that

it has shielded and modified the equipment installations in its plant and that tests are in progress to achieve certification and compliance with Part 18 of the Commission's rules; and

It further appearing, that it will best conduce to the proper dispatch of business and to the ends of justice to grant the instant request; now therefore,

It is ordered, This 20th day of October 1953, that the request for continuance is granted, and the hearing now scheduled for October 26 is continued without date.

> FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,

Acting Secretary.

[F. R. Doc. 53-9052; Filed, Oct. 26, 1953; 8:46 a. m.]

[Docket No. E-6496]

WASHINGTON WATER POWER CO.

ORDER SETTING DATE FOR HEARING

The Washington Power Company (Applicant) on April 15, 1953, filed an application for an order, pursuant to section 203 of the Federal Power Act (act) authorizing the acquisition by it of the property and facilities of Puget Sound Power & Light Company (Puget) and the merger by Applicant of its facilities subject to the jurisdiction of this Commission with those to be acquired from Puget.

By order issued June 29, 1953, the Washington Public Utility Districts' Association and Public Utility District No. 1 of Thurston County, Public Utility District No. 1 of Jefferson County, Public Utility District No. 1 of Chelan County, Public Utility District No. 1 of Skagit County, and Public Utility District No. 1 of Snohomish County were permitted to intervene in these proceedings.

In addition numerous objections and protests, not accompanied by any petition to intervene or requests to be heard in opposition to the granting of the application, were received from various individuals, political, civic, labor and commercial groups.

The Washington Public Service Commission has completed its hearing and on October 16, 1953, issued its order to become effective October 23, 1953, approving the above merger.

The Commission orders:

(A) A hearing to be held on November 9, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved and the issues presented by the application herein.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 of the said rules of practice and pro-

Adopted: October 22, 1953.

Issued: October 22, 1953.

By the Commission.

ESEALT

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 53-9081; Filed, Oct. 26, 1953; 8:52 a. m.J

[Docket No. E-6517]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

OCTOBER 21, 1953.

Notice is hereby given that on October 19, 1953, the Federal Power Commission issued its order adopted October 15, 1953. authorizing issuance of promissory notes in the above-entitled matter.

LEON FUQUAY. Secretary.

[F. R. Doc. 53-9070; Filed, Oct. 26, 1953; 8:50 a. m.)

[Docket No. E-6518]

KANSAS GAS AND ELECTRIC CO.

FEDERAL POWER COMMISSION NOTICE OF SUPPLIESENTAL ORDER AUTHOR-IZING ISSUANCE OF SECURITIES

OCTOBER 21, 1953.

Notice is hereby given that on October 15, 1953, the Federal Power Commission issued its order adopted October 14, 1953. authorizing issuance of securities in the above-entitled matter.

LEON M. FUQUAY. Secretary.

[F. R. Doc. 53-9071; Filed, Oct. 26, 1963; 8:51 a. m.]

[Docket No. G-1336]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME

OCTOBER 20, 1953.

Upon consideration of motion of East Tennessee Natural Gas Company, filed October 7, 1953, for an extension of time to complete construction of facilities authorized by the Commission's Opinion No. 240 and Order Issuing Certificate Of Public Convenience and Necessity issued November 12, 1952, in the above-designated matter:

Notice is hereby given that an extension of time to and including February 1, 1954, is granted within which East Tennessee Natural Gas Company shall complete the construction of facilities authorized by said order and shall place said facilities in actual operation. Paragraph (B) (5) of said order is amended accordingly.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 53-9069; Filed, Oct. 26, 1953; 8:50 a. m.]

[Docket Nos. G-1445, G-1680]

MID SOUTH GAS Co.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 21, 1953.

Notice is hereby given that on October 20, 1953, the Federal Power Commission issued its order adopted October 15, 1953, amending order of September 18, 1952 (17 F R. 8598) issuing certificate of

Docket No. G-1445.

**ESEAL** 

LEON M. FUQUAY. Secretary.

[F. R. Doc. 53-9072; Filed, Oct. 26, 1953; 8:51 a. m.]

#### [Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER APPROVING SETTLEMENT AND PERMITTING SCHEDULES TO BECOME EFFECTIVE

OCTOBER 21, 1953.

Notice is hereby given that on October 9, 1953, the Federal Power Commission issued its order adopted October 8, 1953, in the above-entitled matter, approving settlement and permitting tariff and rate schedules to become effective as of September 1, 1953.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-9073; Filed, Oct. 26, 1953; 8:51 a. m.]

[Docket No. C-2164]

CITY OF AUSTELL, GA.

NOTICE OF FINDINGS AND ORDER

OCTOBER 21, 1953.

Notice is hereby given that on October 16, 1953, the Federal Power Commission issued its order adopted October 15, 1953, directing Southern Natural Gas Company to establish a physical connection of its facilities with those of applicant in the above-entitled matter, and severmg these proceedings from those at Docket No. G-2188.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-9074; Filed, Oct. 26, 1953; 8:51 a. m.]

[Docket No. ID-945]

Walter H. Sammis

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

OCTOBER 21, 1953.

Notice is hereby given that on October 19, 1953, the Federal Power Commission issued its order adopted October 15, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

'[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 53-9075; Filed, Oct. 26, 1953; 8:51 a. m.]

[Project No. 1022]

MRS. DAN E. ROVERO

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

OCTOBER 21, 1953.

Notice is hereby given that on October 20, 1953, the Federal Power Commission

public convenience and necessity in issued its order adopted October 15, 1953, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-9076; Filed, Oct. 26, 1953; 8:51 a. m.1

### INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28569]

PLASTER AND RELATED ARTICLES FROM SIGURD, UTAH, TO MONTANA

APPLICATION FOR RELIEF

OCTOBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster, plasterboard and related articles, carloads.

From: Sigurd, Utah. To: Points in Montana.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Denver and Rio Grande Western Railroad Company, I. C. C. No. 928, supp.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. m its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearmg, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Secretary.

[F. R. Doc. 53-9063; Filed, Oct. 26, 1953; 8:49 a. m.]

[4th Sec. Application 28570]

CEMENT CLINKERS FROM BUFFINGTON, IND. TO DULUTH, MINN., AND KANSAS CITY, Mo.

APPLICATION FOR RELIEF

OCTOBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement clinkers, hydraulic or portland, carloads.

From: Builington, Ind.

To: Duluth, Minn., and Kansas City, Mo.

Grounds for relief: Competition with rail carrier and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No.

A-3850, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Secretary.

[F. R. Doc. 53-9064; Filed, Oct. 26, 1953; 8: 50 a. m.]

[4th Sec. Application 28571]

FULLERS EARTH FROM JAMIESON AND QUINCY, FLA., AND ATTAPULGUS AND RODDENBERRY, GA. TO Sr. Louis, Mo.

APPLICATION FOR RELIEF

OCTOBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Fullers earth,

carloads. From: Jamieson and Quincy, Fla., Attapulgus and Roddenberry, Ga.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1323, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer6796 NOTICES

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Secretary.

[F. R. Doc. 53-9065; Filed, Oct. 26, 1953; 8:50 a. m.]

[4th Sec. Application 28572]

SUPERPHOSPHATE FROM SOUTHERN TERRI-TORY TO KANSAS, CITY, MO.-KANS.

APPLICATION FOR RELIEF

OCTOBER 22, 1953.

The Commission is in receipt of the - above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Superphos-

phate (acid phosphate) carloads.
From: Points in southern territory.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line formula and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F. R. Doc. 53-9066; Filed, Oct. 26, 1953; 8:50 a. m.1

[4th Sec. Application 28573]

IRON AND STEEL FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

'Filed by C. W Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in official territory east of the Illinois-Indiana State line.

To: Points in southern territory. Grounds for relief: Rail competition. circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent. I. C. C. No. A-1001.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Secretary.

[F. R. Doc. 53-9067; Filed, Oct. 26, 1953; 8:50 a. m.1

### SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-129, 54-201, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

OCTOBER 21, 1953.

In the matter of the United Gas Improvement Company, applicant; the United Gas Improvement Company and subsidiary companies, respondents; File

Nos. 30-129, 54-201, 59-6.

The Commission, after a public hearing, assued its findings, opinion and order dated September 18, 1952 (Holding Company Act Release No. 11495) approving a comprehensive plan filed by The United Gas Improvement Company ("UGI") under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") designed, among other things, to complete compliance by UGI and its system companies with the provisions of section 11 (b) of the act. The plan was divided into four parts and provided in substance for (1) the conversion of UGI into a Pennsylvania public utility company' (2) the merger into UGI of all its public utility subsidiaries and the dissolution of UGI's non-utility subsidiaries. with UGI remaining as the surviving and continuing corporation, conducting as one public utility operating company the utility operations then conducted by UGI's various subsidiaries in Pennsylvanua; (3) the disposition by UGI of its

securities in non-subsidiary companies (except a Note indebtedness of Delaware Coach Company), and (4) the seeking of an order pursuant to section 5 (d) of the act declaring that UGI ceased to be a holding company. An application was made by the Commission to the District Court of the United States for the Eastern District of Pennsylvania, which Court entered its Order on November 12, 1952, approving the plan and directing the enforcement and carrying out of certain of its terms and provisions.

UGI represents that it has fully complied with all outstanding orders issued by the Commission under the act, and has consummated all of the transactions provided in the plan, except for some comparatively minor exchanges of bonds and shares of stocks of three constituent companies to the merger in exchange for bonds and shares of stock of the surviving merged UGI, and the payment of certain of the fees and expenses incurred in connection with effecting the plan of

reorganization.

UGI asserts that it has no subsidiaries and that it has ceased to be a holding company and today is a public utility operating company incorporated under the laws of the Commonwealth of Pennsylvania and doing business solely within such Commonwealth, is subject to the jurisdiction of the Pennsylvania Public Utility Commission and is, in part, a natural gas company subject to the jurisdiction of the Federal Power Commission under the provisions of the Federal Natural Gas Act.

UGI has, as a part of its application filed pursuant to section 5 (d) of the act, agreed and consented that the Commission's order to be entered herein shall be without prejudice to the jurisdiction reserved by the Commission's order dated September 18, 1952, issued in respect of UGI's comprehensive plan (File Nos. 30-129. 54-201, and 59-6) to the extent that the matters specified therein have not been disposed of.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that UGI has ceased to be a

holding company.

It is hereby ordered and declared, Pursuant to section 5 (d) of the act, that UGI has ceased to be a holding company, and that its registration under the act is no longer in effect, subject to the condition that jurisdiction be, and hereby is, reserved with respect to the reasonableness of all fees and expenses or other remuneration paid or to be paid in connection with UGI's comprehensive plan (File Nos. 30-129; 54-201, and 50-6), and also in respect of the transactions proposed in said plan which have not yet been effectuated.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-9050; Filed, Oct. 26, 1953; 8:48 a. m.]

[File No. 811-516]

RESORT AIRLINES, INC.

NOTICE OF FILING APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 23, 1953.

In the matter of Resort Airlines, Inc. (formerly known as Fiduciary Management, Inc.), File No. 811-516.

Notice is hereby given that Resort Airlines, Inc., a Delaware corporation ("Resort of Delaware") and a registered closed-end, nondiversified investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that Resort of Delaware has ceased to be an investment company under the act.

The application states that Resort of Delaware owns various securities, including 7,506,866 shares or approximately 77.5 percent of the outstanding common stock of Resort Airlines, Inc., a North Carolina corporation ("Resort of North Carolina") which is engaged in the operation of escorted air cruises. As of June 19, 1953, the board of directors of Resort of Delaware valued the company's investment in Resort of North Carolina at \$2,702,472, equal to about 83.4 percent of the then value of Resort of Delaware's total assets, exclusive of Government securities and cash.

The application also states that in the past the corporation invested and traded in various marketable securities and in "special situations" that on August 3, 1953, the stockholders of Resort of Delaware at a special meeting thereof adopted a resolution changing the business of the company so that it would cease to be an investment company and that Resort of Delaware is now engaged and proposes to engage primarily, through its majority-owned subsidiary, Resort of North Carolina, in the air transportation business. The application also states that the corporation is not, and does not propose to engage in the business of issuing face-amount certificates; and that the corporation has ceased to be an investment company as defined in section 3 of the act.

Notice is further given that any interested person may, not later than November 2, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-9121; Filed, Oct. 26, 1953; 8:54 a. m.]

## AGENCY

[Public Notice No. 1]

ESTABLISHMENT OF AGENCY

Pursuant to the provisions of the President's Reorganization Plan 8, 1953, and Executive Order 10476, dated August 1, 1953, the United States Information Agency was established August 1. 1953. It is comprised of all the foreign information activities formerly carried on by the International Information Administration of the Department of State, the Mutual Security Agency and the Technical Cooperation Administration. The exchange of persons program, formerly conducted by the International Information Administration, has remained in the Department of State.

The United States Information Agency, hereinafter referred to as the new Agency, is headed by a Director who is responsible under the National Security Council to the President and to the Congress for the performance of overseas information activities.

The mission of the new Agency is to promote a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries by clearly and factually presenting the policies and objectives of the United States.

The overseas field operations of the new Agency are conducted by the U.S. Information Service which at present includes 200 posts in 82 countries. Each post is an integral part of the diplomatic mission and works under the general direction of the Chief of Mission in each country.

The organizational elements of the Agency are divided into three major groups:

(1) "Field Operations," which include the Offices of the Assistant Directors for Europe, Near East, Far East, and Amer-

ican Republics;
(2) "Policy Staff and Administra-tion," which include such elements as Executive Secretariat, Office of Policy and Programs, Office of Evaluation, Office of Security, and Office of Administration;

(3) "Media Service Operations." which backstop field activities. They include the Broadcasting Service, Press Service, Motion Picture Service, and Information Center Service.

> THEODORE C. STREIBERT, Director.

[F. R. Doc. 53-9054; Filed, Oct. 26, 1953; 8:47 a. m.]

> [Public Notice No. 2] [Delegation of Authority No. 2A]

CHIEF, INFORMATION CENTER SERVICE DELEGATION OF AUTHORITY TO MAKE AND ADMINISTER INFORMATION MEDIA GUARAN-

SEPTEMBER 30, 1953.

Pursuant to the authority yested in me by the provisions of Executive Order No. 10476, effective August 1, 1953, I hereby

UNITED STATES INFORMATION delegate to the Chief, Information Center Service, United States Information Agency, the authority to:

a. Make information media guarantees under section III (b) (3) of Economic Cooperation Act of 1948, as amended (22 U.S. C. 1509 (b) (3)) and section 536 of the Mutual Security Act of 1952, and

b. Administer such guarantees made prior to August 1, 1953.

This delegation of authority shall be effective as of August 1, 1953, and super-sedes Delegation of Authority No. 2, dated August 1, 1953.

Issued: September 3, 1953.

THEODORE C. STREIBERT, Director.

[F. R. Doc. 53-9055; Filed, Oct. 26, 1953; 8:47 a. m.]

> Public Notice No. 31 [Delegation of Authority No. 15]

> > CERTAIN OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT TRANSACTIONS

1. Pursuant to the provisions of section 4 of Public Law 73, 81st Congress; and according to the provisions of Executive Order entitled, "Authorizing the Director of the United States Information Agency to Exercise Certain Authority Available by Law to the Secretary of State and the Director of the Foreign Operations Administration," effective August 1, 1953, implementing section 2 (d) of Reorganization Plan No. 8, 83d Congress; and by virtue of the delegation of authority dated July 31, 1953, signed by Russell Forbes, Acting Administrator of General Services; and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended, upon the "Agency Head" as defined in section. 309A of said act, there is hereby delegated to the officials listed below (and to any officials legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts chargeable to any allotment made to an organizational element of the United States Information Agency, and to sign and issue purchase orders, contracts, Government bills of lading, and certificates of award in connection therewith. This delegation includes authority to make purchases and contracts, and determinations and decisions in connection therewith, pursuant to the provisions of title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Acting Administrator of General Services and the specific limitations below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the United States Information Agency, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

a. Controller Broadcasting Service.

b. Chief and Assistant Chief, Procurement and Supply Division, Broadcasting Service.

c. Chief, Procurement Branch, Broad-

casting Service.

Limitations: No authority is delegated to make the determinations or decisions specified in section 305a or in paragraphs 10, 11, and 12 of section 302c, Public Law 152, and no authority is delegated to authorize cost, cost-plus-a-fixed-fee contracts, or any other incen-

tive-type contracts.

- 2. There is hereby delegated to the officials enumerated below (and to any official legally designated to act for one of those enumerated during the latter's absence or incapacity) authority to make purchases and contracts covering specified types of supplies and services when required for official use and not in excess of \$500.00. The authority hereby delegated is subject to all requirements of law and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the United States Information Agency, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.
- a. Chief, New York Service Section, Information Center Service. Recordings, musical scores, sheet music and related items.
- b. Administrative Officer and Assistant Administrative Officer, Broadcasting Service. Studio rentals, off-the-line recordings, and services related to Special Events.
- c. Administrative Officer, Broadcasting Service; Chief, Music Unit, Overseas Service Section; Program Operations Branch, Broadcasting Service. Special types of recordings required by the Broadcasting Service Music Unit.

**NOTICES** 

d. Chief, Contract Staff, Motion Picture Service. Moving picture coverage of special events and news items.

This delegation of authority shall be effective on August 1, 1953.

Issued: August 1, 1953.

ARTHUR A. KIMBALL,
Acting Director

[F. R. Doc. 53-9056; Filed, Oct. 26, 1953; 8:47.a. m.]

[Public Notice No. 4] [Delegation of Authority No. 19]

CERTAIN OFFICIALS OF THE OFFICE OF ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT TRANSACTIONS

1. Pursuant to the provisions of section 4 of Public Law 73, 81st Congress; and according to the provisions of Executive Order No. 10477, effective August 1, 1953, implementing section 2 (d) of Reorganization Plan No. 8, 83d Congress; and by virtue of the delegation of authority dated July 31, 1953, signed by Russell Forbes, Acting Administrator of General Services; and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any officials legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts chargeable to any allotment made to an organizational element of the United States Information Agency, and to sign and issue purchase orders, contracts, Government bills of lading, and certificates of award in connection therewith. This delega-

tion includes authority to make purchases and contracts, and determinations and decisions in connection therewith pursuant to the provisions of title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Acting Administrator of General Services and the specific limitations below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the United States Information Agency, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

Chief and Assistant Chief, Adminis-

trative Services Division.

Chief and Assistant Chief, Procurement and Property Management Branch.
Chief and Assistant Chief, Procurement and Contracts Section.

Limitations: No authority is delegated to make determinations or decisions specified in Public Law 152, as amended, section 305 (a) or in paragraphs (11) and (12) of section 302 (c) Authority to make determinations or decisions specified in paragraph (10) of section 302 (c) is delegated only to the Chief, Administrative Services Division, and only with respect to contracts which will not require the expenditure of more than \$25,000. Authority to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b) is delegated to the Chief, Administrative Services Division only.

Issued: September 29, 1953.

[SEAL] THEODORE C. STREIBERT,

Director

[F. R. Doc. 53-9057; Filed, Oct. 20, 1958; 8:48 a. m.]